S T A T E O F N E W Y O R K

10171

I N A S S E M B L Y

August 20, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Rozic, Roberts) -- read once and referred to the Committee on Health

AN ACT to amend the workers' compensation law and the public health law, in relation to occupational injury and disease prevention centers located at the city university of New York Center for the Biology of Natural Systems and the occupational health center at the Upstate Medical University of the state university of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 151 of the workers' compensation law, as added by section 22 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

3. The chair and department of audit and control annually as soon as practicable after the first of April of each year shall ascertain the actual total amount of expenses, including in addition to the direct costs of personal service, the cost of maintenance and operation, the cost of retirement contributions made and workers' compensation premiums paid by the state for or on account of personnel, rentals for space occupied in state owned or state leased buildings, such additional sum as may be certified to the chair and the department of audit and control as a reasonable compensation for services rendered by the department of law and expenses incurred by such department, for transfer into the training and educational program on occupational safety and health fund created pursuant to chapter eight hundred eighty-six of the laws of nineteen hundred eighty-five and section ninety-seven-c of the state finance law, for the New York state occupational health clinics network, for the department of labor occupational safety and health program, THE OCCUPATIONAL ILLNESS AND INJURY PREVENTION CENTERS PURSUANT TO TITLE SIX OF ARTICLE TWENTY-NINE-D OF THE PUBLIC HEALTH LAW and for transfer into the uninsured employers' fund pursuant to subdivision two of section twenty-six-a of this chapter, and all other direct or indirect costs, incurred by the board in connection with the administration of this chapter, except those expenses for which an assessment is authorized for self-insurance pursuant to subdivision five of section fifty of this

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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chapter. Assessments pursuant to subparagraph four of paragraph (h) of subdivision eight of section fifteen of this chapter for the special disability fund, pursuant to section fifty-c of this chapter for the self insurer offset fund, pursuant to subdivision three of section twenty-five-a of this chapter for the fund for reopened cases, and pursuant to section two hundred fourteen of this chapter for the special fund for disability benefits shall be included in the total amount of expenses for the purposes of this subdivision. Any overpayment of annual assessments resulting from the requirements of this subdivision shall be applied as a credit against the future assessment rate provided the fund balance shall not be reduced below ten percent of the total amount assessed. FOR THE NEW YORK STATE OCCUPATIONAL HEALTH CLINICS NETWORK, THE DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH PROGRAM, AND THE OCCUPATIONAL ILLNESS AND INJURY PREVENTION CENTERS PURSUANT TO TITLE SIX OF ARTICLE TWENTY-NINE-D OF THE PUBLIC HEALTH LAW THE STATE SHALL APPROPRIATED FUNDS ANNUALLY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATE AND MADE AVAILABLE IN THE PREVIOUS STATE FISCAL YEAR; PROVIDED, HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNICATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY, STATE SUPPORT FOR THESE PROGRAMS MAY BE REDUCED IN A MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED APPROPRIATION PROVISIONS SHALL NOT APPLY.

S 2. Article 29-D of the public health law is amended by adding a new title 6 to read as follows:

TITLE VI

OCCUPATIONAL INJURY AND DISEASE PREVENTION CENTERS.

SECTION 2999-M-1. OCCUPATIONAL INJURY AND DISEASE PREVENTION CENTER.
2999-M-2. INFORMATION ANALYSIS AND DISSEMINATION.
2999-M-3. IMMIGRANT AND VULNERABLE WORK FORCE.

S 2999-M-1. OCCUPATIONAL INJURY AND DISEASE PREVENTION CENTER. 1. THERE IS HEREBY ESTABLISHED, CONTINGENT UPON AN APPROPRIATION FOR THE STATE FISCAL YEAR TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN, THE OCCUPATIONAL INJURY AND DISEASE PREVENTION CENTER WHICH SHALL MEAN THE CITY UNIVERSITY OF NEW YORK CENTER FOR THE BIOLOGY OF NATURAL SYSTEMS AND THE OCCUPATIONAL HEALTH CENTER AT THE UPSTATE MEDICAL UNIVERSITY OF THE STATE UNIVERSITY OF NEW YORK AND WHICH SHALL BE REFERRED TO IN THIS TITLE AS THE "PREVENTION CENTERS".

2. THE PURPOSE OF THE PREVENTION CENTERS SHALL BE TO IDENTIFY AND IMPLEMENT STRATEGIES THROUGHOUT NEW YORK STATE TO ENSURE THAT WORKERS AT HIGH RISK OF LUNG CANCER DUE TO PAST EXPOSURES TO ASBESTOS, SILICA, DIESEL EXHAUST, BERYLLIUM AND OTHER LUNG CARCINOGENS SHALL BE IDENTIFIED, LOCATED, AND NOTIFIED.

3. IN VIEW OF THE PREVENTION SERVICES REQUIRED OF HEALTH INSURANCE PLANS UNDER THE FEDERAL AFFORDABLE CARE AND PATIENT PROTECTION ACT OF 2010, THE PREVENTION CENTERS SHALL IDENTIFY, PROMOTE, AND ORGANIZE OPPORTUNITIES FOR INTEGRATION OF THE EARLY DETECTION OF OCCUPATIONAL ILLNESSES AND INJURIES INTO THE MANDATED PREVENTIVE SERVICES. THE PREVENTION CENTERS ALSO SHALL IDENTIFY, LOCATE, AND NOTIFY WORKERS AT HIGH RISK OF LUNG CANCER DUE TO PAST EXPOSURES TO ASBESTOS, SILICA, DIESEL EXHAUST, BERYLLIUM AND OTHER LUNG CARCINOGENS AND SHALL COORDINATE AND FACILITATE FOR SUCH WORKERS PARTICIPATION IN LOW DOSE CT SCANNING PROGRAMS FOR LUNG CANCER PREVENTION THROUGH EXISTING HIGH QUALITY HEALTH CARE FACILITIES IN NEW YORK STATE.

4. THE PREVENTION CENTERS SHALL COORDINATE TO THE MAXIMUM EXTENT POSSIBLE WITH THE OCCUPATIONAL SAFETY AND HEALTH CLINIC NETWORK REFERRED TO IN SECTION TWO THOUSAND FOUR HUNDRED NINETY OF THIS CHAPTER AND SECTION ONE HUNDRED FIFTY-ONE OF THE WORKERS' COMPENSATION LAW. SUCH COORDINATION SHALL INCLUDE SHARING INFORMATION ABOUT PREVENTION-BASED SCREENING, ANALYSES OF AGGREGATE DATA ON OCCUPATIONAL INJURY AND ILLNESS IN NEW YORK STATE, AND RESEARCH ON THE PREVENTION, DIAGNOSIS, AND TREATMENT OF OCCUPATIONAL ILLNESSES AND INJURIES.

S 2999-M-2. INFORMATION ANALYSIS AND DISSEMINATION. THE PREVENTION CENTERS SHALL COMPILE AND DESCRIBE ALL AVAILABLE OCCUPATIONAL HEALTH AND HAZARD DATA SOURCES RELEVANT TO NEW YORK STATE AND IDENTIFY STRENGTHS, GAPS, AND AREAS OF OVERLAP AMONG THESE DATA SOURCES. THE INFORMATION COMPILED SHALL INCLUDE, BUT NOT BE LIMITED TO, A PROFILE OF INJURIES AND ILLNESSES AMONG PUBLIC EMPLOYEES AND AMONG CONSTRUCTION WORKERS BY EXAMINING DATA FROM WORKERS' COMPENSATION AND THE REPORTABLE INJURY AND ILLNESS LOGS, AMONG OTHER SOURCES. THESE ANALYSES SHALL FORM THE BASIS FOR DEVELOPING PREVENTION PROJECTS TO REDUCE INJURY AND ILLNESSES.

S 2999-M-3. IMMIGRANT AND VULNERABLE WORK FORCE. THE PREVENTION CENTERS SHALL EVALUATE EXTANT OCCUPATIONAL HEALTH AND HAZARDS OF, AND DEVELOP ASSOCIATED INTERVENTION ACTIVITIES RELATING TO, THE PREVENTION OF OCCUPATIONAL INJURIES AND ILLNESSES AMONG IMMIGRANT WORKERS AND OTHER WORKERS WHO ARE ENGAGED IN TEMPORARY OR CONTINGENT WORK IN NEW YORK STATE.

S 3. Section 2490 of the public health law, as amended by chapter 139 of the laws of 2008, is amended to read as follows:

S 2490. Oversight committee. 1. There is hereby established the occupational health clinics AND PREVENTION CENTERS oversight committee to be comprised of the following persons or their designees: the commissioner of health; the commissioner of labor; the chairperson of the workers' compensation board; six persons appointed by the governor, one of whom shall be on nomination of the New York state American federation of labor-congress of industrial organizations, and one of whom shall be on the nomination of the business council of the state of New York; two persons appointed by the temporary president of the senate; two persons appointed by the speaker of the assembly; one person appointed by the minority leader of the senate and one person appointed by the minority leader of the assembly. The governor shall designate a chairperson from among the members of the committee. The initial appointments shall be made on or before September first, two thousand eight.

2. The committee shall meet at least four times a year. Special meetings may be called by the chairperson.

3. Members of the oversight committee shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

4. Vacancies shall be filled in the same manner as the original appointments.

5. The committee shall make recommendations to the governor and the legislature on or before [September thirtieth, two thousand nine,] DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN regarding:

(a) statewide needs to be met by the [network] PREVENTION CENTERS;

(b) coordination of clinic AND PREVENTION CENTERS activities with not-for-profit, private sector concerns and state agencies, including but not limited to an evaluation of current jurisdictional and oversight responsibilities;

(c) coordination and sharing of clinic resources and services;

(d) dissemination of research results and educational information;

(e) identification of funding sources for the PREVENTION CENTERS AND network;

(f) the activities of the clinics AND PREVENTION CENTERS and their effectiveness in meeting the objectives as set forth in statute and in clinic specific contracts with the state;

(g) local, regional, occupation or business sector specific needs that may be met by one or more clinic OR PREVENTION CENTER;

(h) other issues as determined by the oversight committee; and

(i) incorporation of provisions to implement its recommendations in requests for applications of state funding for occupational health clinics AND PREVENTION CENTERS.

S 4. Section 2490-a of the public health law, as added by chapter 139 of the laws of 2008, is amended to read as follows:

S 2490-a. Occupational health clinic CENTERS AND PREVENTION CENTERS advisory committees. The chief executive officer of every clinic in the occupational health clinic network AND PREVENTION CENTERS shall convene an advisory committee consisting of two local representatives each of business, labor unions, public health agencies and community groups which shall be selected in consultation with the occupational health clinics oversight committee. The oversight committee will assist in the development of policies, the creation and implementation of a targeted outreach plan for working with business, unions and workers, an assessment of clinic-specific funding needs and potential funding sources, and overall guidance for the clinics on an ongoing basis.

S 5. This act shall take effect thirty days following a first appropriation for the prevention centers for a state fiscal year.