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

3360

2013-2014 Regular Sessions

I N A S S E M B L Y

January 25, 2013

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to certain mandatory medical education

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

Section 1. The education law is amended by adding a new section 6529-a to read as follows:

S 6529-A. MANDATORY CONTINUING EDUCATION FOR PHYSICIANS. 1.(A) EACH PHYSICIAN, LICENSED PURSUANT TO THIS ARTICLE, REQUIRED TO REGISTER BIENNIALLY WITH THE DEPARTMENT TO PRACTICE IN THIS STATE SHALL COMPLY WITH THE PROVISIONS OF THE MANDATORY CONTINUING EDUCATION REQUIREMENTS, EXCEPT AS SET FORTH IN PARAGRAPHS (B) AND (C) OF THIS SUBDIVISION. PHYSICIANS WHO DO NOT SATISFY THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS AND HAVE BEEN ISSUED A REGISTRATION OR CONDITIONAL REGISTRATION CERTIFICATE.

(B) PHYSICIANS SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT FOR THE BIENNIAL REGISTRATION PERIOD DURING WHICH THEY ARE FIRST LICENSED. IN ACCORDANCE WITH THE INTENT OF THIS SECTION, ADJUSTMENTS TO THE MANDATORY CONTINUING EDUCATION REQUIREMENT MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH, CERTIFIED BY A PHYSICIAN, FOR EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

(C) A LICENSED PHYSICIAN NOT ENGAGED IN PUBLIC PRACTICE AS AN INDIVIDUAL PRACTITIONER, A PARTNER OF A PARTNERSHIP, A SHAREHOLDER OF A PROFESSIONAL SERVICE CORPORATION, OR AN EMPLOYEE OF SUCH PRACTICE UNITS, SHALL BE EXEMPT FROM THE MANDATORY CONTINUING EDUCATION REQUIREMENT UPON THE FILING OF A STATEMENT WITH THE DEPARTMENT DECLARING SUCH STATUS. ANY LICENSEE WHO RETURNS TO THE PUBLIC PRACTICE OF MEDICINE DURING THE BIEN-

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

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NIAL REGISTRATION PERIOD SHALL NOTIFY THE DEPARTMENT PRIOR TO REENTERING THE PROFESSION AND SHALL MEET SUCH MANDATORY CONTINUING EDUCATION REQUIREMENTS AS SHALL BE PRESCRIBED BY REGULATION OF THE COMMISSIONER.

2. DURING EACH BIENNIAL REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION SHALL COMPLETE A MINIMUM OF FIFTY HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION, A MAXIMUM OF EIGHTEEN HOURS OF WHICH MAY BE SELF-INSTRUCTIONAL COURSEWORK AS APPROVED BY THE DEPARTMENT. COMPLETION OF COURSEWORK OR TRAINING REQUIRED BY SECTIONS SIXTY-FIVE HUNDRED FIVE-B, SIXTY-FIVE HUNDRED FIVE-D, OR PARAGRAPH A OF SUBDIVISION THREE OF SECTION SIXTY-FIVE HUNDRED SEVEN OF THIS CHAPTER SHALL BE APPLIED TO SATISFACTION OF THE REQUIRED FIFTY HOURS OF ACCEPTABLE FORMAL CONTINUING EDUCATION IN THE BIENNIAL PERIOD IN WHICH SUCH COURSEWORK OR TRAINING IS COMPLETED, PROVIDED THAT WRITTEN PROOF SATISFACTORY TO THE DEPARTMENT THAT SUCH COURSEWORK OR TRAINING HAS BEEN COMPLETED IS PROVIDED TO THE DEPARTMENT. A LICENSEE WHO HAS NOT SATISFIED THE MANDATORY CONTINUING EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A BIENNIAL REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION. THE INDIVIDUAL LICENSEE SHALL DETERMINE THE SELECTION OF COURSES OR PROGRAMS OF STUDY PURSUANT TO SUBDIVISION FOUR OF THIS SECTION.

3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND TAKE ANY ADDITIONAL EDUCATION WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR THE BIENNIAL REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF COMPLETION OF REQUIRED CONTINUING EDUCATION AND WHO PRACTICES MEDICINE WITHOUT SUCH REGISTRATION, MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

4. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION" SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL PRACTICE AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE COMMISSIONER. TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT, PROGRAMS MUST BE TAKEN FROM SPONSORS HAVING AT LEAST ONE FULL-TIME EMPLOYEE AND THE FACILITIES, EQUIPMENT, AND FINANCIAL AND PHYSICAL RESOURCES TO PROVIDE CONTINUING EDUCATION COURSES, APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE COMMISSIONER.

5. THE MANDATORY CONTINUING EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS, SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH BIENNIAL REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE BIENNIAL REGISTRATION FEE REQUIRED BY SECTION SIXTY-FIVE HUNDRED TWENTY-FOUR OF THIS ARTICLE.

S 2. Paragraph b of subdivision 2 of section 3309-a of the public health law is amended by adding a new subparagraph (v) to read as follows:

(V) NO LATER THAN JANUARY FIRST, TWO THOUSAND FOURTEEN, REPORT TO THE COMMISSIONER RECOMMENDATIONS FOR MANDATORY CONTINUING MEDICAL EDUCATION RELATING TO THE TREATMENT AND MANAGEMENT OF OPIATE-DEPENDENT PATIENTS. THE RECOMMENDATIONS FOR SUCH MANDATORY CONTINUING MEDICAL EDUCATION SHALL BE IN ADDITION TO, AND NOT IN LIEU OF, THE MANDATORY COURSEWORK OR TRAINING REQUIRED PURSUANT TO SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE EDUCATION LAW.

S 3. The education law is amended by adding a new section 6505-d to read as follows:

S 6505-D. MANDATORY COURSEWORK OR TRAINING RELATING TO PRESCRIPTION PAIN MEDICATION AND OPIATE-DEPENDENT PATIENTS. 1. EVERY PRESCRIBER, AS SUCH TERM IS DEFINED IN SUBDIVISION TWO OF THIS SECTION, SHALL COMPLETE ON A ONE-TIME BASIS NOT LESS THAN EIGHT HOURS OF COURSEWORK OR TRAINING RELATING TO THE TREATMENT AND MANAGEMENT OF OPIATE-DEPENDENT PATIENTS THAT IS PROVIDED BY THE AMERICAN SOCIETY OF ADDICTION MEDICINE, THE AMERICAN ACADEMY OF ADDICTION PSYCHIATRY, THE AMERICAN MEDICAL ASSOCIATION, THE AMERICAN OSTEOPATHIC ASSOCIATION, THE AMERICAN PSYCHIATRIC ASSOCIATION, OR ANY OTHER ORGANIZATION THAT THE COMMISSIONER DETERMINES IS APPROPRIATE FOR THE PURPOSES OF THIS SECTION. SUCH COURSEWORK OR TRAINING MAY BE COMPLETED IN A CLASSROOM SETTING, THROUGH INTERNET-BASED INSTRUCTION, OR OTHERWISE AS APPROVED BY THE COMMISSIONER. EACH PRESCRIBER SHALL DOCUMENT TO THE DEPARTMENT AT THE TIME OF REGISTRATION OR RE-REGISTRATION THAT THE PRESCRIBER HAS COMPLETED COURSEWORK OR TRAINING IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF THIS SECTION TO ANY PRESCRIBER WHO REQUESTS SUCH AN EXEMPTION AND WHO SHOWS, TO THE DEPARTMENT'S SATISFACTION, THAT SUCH PRESCRIBER IS NOT SUBJECT TO THE REQUIREMENTS OF THIS SECTION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

2. FOR THE PURPOSES OF THIS SECTION, THE TERM "PRESCRIBER" SHALL MEAN ANY PRACTITIONER THAT IS (A) AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES PURSUANT TO HIS OR HER LICENSED PROFESSIONAL PRACTICE, AND (B) REGISTERED UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT AND IN POSSESSION OF A REGISTRATION NUMBER FROM THE DRUG ENFORCEMENT ADMINISTRATION, UNITED STATES DEPARTMENT OF JUSTICE, OR ITS SUCCESSOR AGENCY.

3. THIS SECTION SHALL APPLY TO ANY PRESCRIBER THAT (A) HAS TEN OR MORE PATIENTS BEING TREATED FOR CHRONIC PAIN FOR WHICH THE PRESCRIBER HAS PRESCRIBED THE USE OF PRESCRIPTION PAIN MEDICATION, OR (B) HAS AT LEAST ONE PATIENT BEING TREATED FOR CHRONIC PAIN FOR WHICH THE PRESCRIBER HAS PRESCRIBED A DAILY DOSE OF AT LEAST 100 MG OF MORPHINE OR ITS EQUIVALENT.

S 4. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law.