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 BIENNIALY 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

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.
licensee who returns to the public practice of medicine during the bienni-
ual 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 registra-
tion 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 registra-
tion shall be the same as, and in addition to, the fee for the bien-
nial 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 disci-
plinary 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 registra-
tion 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
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$3.  The  education  law  is amended by adding a new section 6505-d to
read  as  follows:

$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 ASSOCI-
ATION, 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 PRESCRI-
BER 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 SATISFAC-
TION, 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 ADMINIS-
TRATION, 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 EQUIV-
ALENT.

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