

2861--A

2013-2014 Regular Sessions

I N S E N A T E

January 24, 2013

Introduced by Sens. MAZIARZ, GRISANTI, HASSELL-THOMPSON, MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The education law is amended by adding a new section
2 6505-d to read as follows:

3 S 6505-D. MANDATORY COURSEWORK OR TRAINING RELATING TO PRESCRIPTION
4 PAIN MEDICATION AND OPIATE-DEPENDENT PATIENTS. 1. EVERY PRESCRIBER, AS
5 SUCH TERM IS DEFINED IN SUBDIVISION TWO OF THIS SECTION, SHALL COMPLETE
6 ON A ONE-TIME BASIS NOT LESS THAN EIGHT HOURS OF COURSEWORK OR TRAINING
7 RELATING TO THE TREATMENT AND MANAGEMENT OF OPIATE-DEPENDENT PATIENTS
8 THAT IS PROVIDED BY THE AMERICAN SOCIETY OF ADDICTION MEDICINE, THE
9 AMERICAN ACADEMY OF ADDICTION PSYCHIATRY, THE AMERICAN MEDICAL ASSOCI-
10 ATION, THE AMERICAN OSTEOPATHIC ASSOCIATION, THE AMERICAN PSYCHIATRIC
11 ASSOCIATION, OR ANY OTHER ORGANIZATION THAT THE COMMISSIONER DETERMINES
12 IS APPROPRIATE FOR THE PURPOSES OF THIS SECTION. SUCH COURSEWORK OR
13 TRAINING MAY BE COMPLETED IN A CLASSROOM SETTING, THROUGH INTERNET-BASED
14 INSTRUCTION, OR OTHERWISE AS APPROVED BY THE COMMISSIONER. EACH PRESCRI-
15 BER SHALL DOCUMENT TO THE DEPARTMENT AT THE TIME OF REGISTRATION OR
16 RE-REGISTRATION THAT THE PRESCRIBER HAS COMPLETED COURSEWORK OR TRAINING
17 IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT SHALL PROVIDE AN
18 EXEMPTION FROM THE REQUIREMENTS OF THIS SECTION TO ANY PRESCRIBER WHO
19 REQUESTS SUCH AN EXEMPTION AND WHO SHOWS, TO THE DEPARTMENT'S SATISFAC-
20 TION, THAT SUCH PRESCRIBER IS NOT SUBJECT TO THE REQUIREMENTS OF THIS
21 SECTION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

22 2. FOR THE PURPOSES OF THIS SECTION, THE TERM "PRESCRIBER" SHALL MEAN
23 ANY PRACTITIONER THAT IS (A) AUTHORIZED TO PRESCRIBE CONTROLLED

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

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1 SUBSTANCES PURSUANT TO HIS OR HER LICENSED PROFESSIONAL PRACTICE, AND
2 (B) REGISTERED UNDER THE FEDERAL CONTROLLED SUBSTANCES ACT AND IN
3 POSSESSION OF A REGISTRATION NUMBER FROM THE DRUG ENFORCEMENT ADMINIS-
4 TRATION, UNITED STATES DEPARTMENT OF JUSTICE, OR ITS SUCCESSOR AGENCY.

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

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

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

21 S 3. This act shall take effect on the one hundred eightieth day after
22 it shall have become a law.