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

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:

Section 1. 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

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

LBD06414-02-3

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 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 FIFTEEN, 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. This act shall take effect on the one hundred eightieth day after it shall have become a law.