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

6771

I N S E N A T E

March 7, 2014

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to maintenance of licensure for prescribers of controlled substances

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. COURSEWORK OR TRAINING FOR MAINTENANCE OF PROFESSIONAL LICENSURE. 1. IN ORDER TO MAINTAIN HIS OR HER PROFESSIONAL LICENSE, EVERY PRESCRIBER SHALL COMPLETE THE COURSEWORK OR TRAINING DESCRIBED IN THIS SECTION RELATING TO THE TREATMENT AND MANAGEMENT OF PATIENTS TO WHOM CONTROLLED SUBSTANCES ARE PRESCRIBED. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "PRESCRIBER" SHALL MEAN ANY PRACTITIONER THAT IS (I) AUTHORIZED TO PRESCRIBE CONTROLLED SUBSTANCES TO A HUMAN PATIENT PURSUANT TO HIS OR HER LICENSED PROFESSIONAL PRACTICE, AND (II) 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.

(B) "HIGH VOLUME PRESCRIBER" SHALL MEAN A PRESCRIBER THAT (I) HAS THIRTY OR MORE PATIENTS BEING TREATED FOR CHRONIC PAIN FOR WHOM ANY DOSE OF AN OPIOID HAS BEEN PRESCRIBED FOR NINETY OR MORE CONTINUOUS DAYS, AND/OR (II) HAS AT LEAST ONE PATIENT FOR WHOM A DAILY DOSE OF AT LEAST ONE HUNDRED MILLIGRAMS OF MORPHINE OR ITS EQUIVALENT WAS PRESCRIBED WITHIN THE PAST TWELVE MONTHS.

2. (A) WITHIN AVAILABLE APPROPRIATIONS OR FROM OTHER FUNDS APPROPRIATED FOR THE PURPOSES OF THIS SECTION, THE OFFICE OF THE PROFESSIONS, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, SHALL ESTABLISH AN EXPERT-LEVEL WORK GROUP TO DEVELOP CONTENT AREAS, EVIDENCE-BASED CURRICULA, AND OUTCOMES MEASUREMENT METHODS FOR COURSEWORK OR TRAINING RELATING TO THE TREATMENT AND MANAGEMENT OF PATIENTS TO WHOM CONTROLLED SUBSTANCES ARE PRESCRIBED. SUCH WORK GROUP SHALL BE COMPOSED OF NO LESS THAN SEVEN INDIVIDUALS AND

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

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SHALL CONSIST OF PRACTICING PHYSICIANS OR OTHER PRESCRIBERS, PHARMACISTS, ADDICTION MEDICINE EXPERTS, EXPERTS IN MEDICAL EDUCATION AND DELIVERY OF EDUCATIONAL PROGRAMS, AND AT LEAST ONE PARENT OR OTHER ADVOCATE FOR CHILDREN WITH ADDICTION. THE MEMBERS OF THE WORK GROUP SHALL NOT HAVE ANY DIRECT RELATIONSHIP TO ANY PHARMACEUTICAL COMPANY OR ANY ORGANIZATION REPRESENTING THE INTERESTS OF PHARMACEUTICAL COMPANIES. THE MEMBERS OF THE WORK GROUP SHALL BE SELECTED WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION. MEMBERS OF THE WORK GROUP SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED ACTUAL AND NECESSARY EXPENSES IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS SECTION.

(B) THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP MAY INCLUDE, BUT NOT BE LIMITED TO, INSTRUCTION IN THE FOLLOWING SUBJECT AREAS: (I) REQUIREMENTS OF THE INTERNET SYSTEM FOR TRACKING OVER PRESCRIBING (I-STOP) ACT; (II) FEDERAL DRUG ENFORCEMENT AGENCY REQUIREMENTS RELATING TO PRESCRIBING CONTROLLED SUBSTANCES; (III) MANAGING ACUTE PAIN; (IV) MANAGING ADDICTION INCLUDING BUT NOT LIMITED TO PREVENTION, SCREENING AND INTERVENTION FOR AT-RISK BEHAVIOR, IDENTIFICATION OF ADDICTION, AND TREATMENT REFERRALS; (V) OPIOID AND NON-OPIOID PAIN MANAGEMENT; (VI) DOSING AND MONITORING FOR ALL PRESCRIPTION DRUGS; (VII) PRESCRIBING GUIDELINES FOR ALL PRESCRIPTION DRUGS; AND (VIII) SPECIALTY CARE REFERRALS FOR PAIN, MENTAL HEALTH AND SUBSTANCE ABUSE DISORDERS. IN DEVELOPING THE CONTENT AREAS, CURRICULA, AND OUTCOMES MEASUREMENT METHODS FOR SUCH COURSEWORK OR TRAINING, THE WORK GROUP MAY ALSO INCLUDE INSTRUCTION SUBSTANTIALLY SIMILAR TO THE COURSES DESCRIBED IN THE FEDERAL DRUG ADDICTION TREATMENT ACT OF 2000 RELATING TO THE TREATMENT AND MANAGEMENT OF OPIOID-ADDICTED PATIENTS. THE WORK GROUP SHALL, TO THE MAXIMUM EXTENT PRACTICABLE, DEVELOP THE COURSEWORK OR TRAINING IN SUCH A MANNER THAT IT SHALL QUALIFY FOR CREDIT IN CONNECTION WITH EXISTING CONTINUING MEDICAL EDUCATION REQUIREMENTS FOR PRESCRIBERS. THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP MAY BE STRUCTURED AS ONE COURSE OR AS MULTIPLE COURSES. THE WORK GROUP SHALL COMPLETE THE DEVELOPMENT OF THE CONTENT AREAS, CURRICULA, AND OUTCOMES MEASUREMENTS METHODS WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SECTION.

(C) UPON COMPLETION OF THE DEVELOPMENT OF THE COURSEWORK OR TRAINING, THE OFFICE OF THE PROFESSIONS SHALL TAKE ACTIONS NECESSARY TO OBTAIN ACCREDITATION OF SUCH COURSEWORK OR TRAINING BY THE ACCREDITATION COUNCIL FOR CONTINUING MEDICAL EDUCATION OR ITS DESIGNEES. THE OFFICE OF THE PROFESSIONS MAY TAKE SUCH ACTIONS FOR ACCREDITATION ON ITS OWN OR IN COLLABORATION WITH ONE OR MORE STATEWIDE MEDICAL ASSOCIATIONS, SPECIALTY MEDICAL BOARDS, AND/OR STATE UNIVERSITY MEDICAL SCHOOLS.

3. THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP MAY BE PROVIDED BY: (A) THE DEPARTMENT; (B) THE DEPARTMENT IN COLLABORATION WITH ONE OR MORE STATEWIDE MEDICAL ASSOCIATIONS, SPECIALTY MEDICAL BOARDS, AND/OR STATE UNIVERSITY MEDICAL SCHOOLS; AND/OR (C) ANY ORGANIZATION THAT THE COMMISSIONER DETERMINES TO BE APPROPRIATE FOR THE PURPOSES OF THIS SECTION. SUCH COURSEWORK OR TRAINING MAY BE OFFERED IN A CLASSROOM SETTING, THROUGH INTERNET-BASED INSTRUCTION, OR OTHERWISE, AS APPROVED BY THE COMMISSIONER.

4. (A) IN ORDER TO SATISFY THE MAINTENANCE OF LICENSURE REQUIREMENTS SET FORTH IN THIS SECTION, A PRESCRIBER SHALL COMPLETE AT LEAST THREE HOURS OF COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP WHICH MUST INCLUDE, AMONG OTHER THINGS, INSTRUCTION ON PRESCRIPTION DRUG ADDICTION; PROVIDED HOWEVER, THAT A HIGH VOLUME PRESCRIBER SHALL COMPLETE AT LEAST EIGHT HOURS OF COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP WHICH MUST INCLUDE, AMONG OTHER THINGS, INSTRUCTION ON THE USE OF OPIOIDS FOR

THE MANAGEMENT OF CHRONIC PAIN. EACH PRESCRIBER AND HIGH VOLUME PRESCRIBER SHALL COMPLETE SUCH COURSEWORK PRIOR TO HIS OR HER NEXT REGISTRATION OR RE-REGISTRATION, BUT IN NO EVENT SHALL SUCH COURSEWORK OR TRAINING BE TAKEN LESS THAN ONCE EVERY FIVE YEARS. DOCUMENTATION OF COURSE COMPLETION SHALL BE PROVIDED TO THE DEPARTMENT BY A PRESCRIBER OR HIGH VOLUME PRESCRIBER IN ORDER TO MAINTAIN HIS OR HER PROFESSIONAL LICENSE.

(B) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, 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. THE DEPARTMENT MAY, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH, PROVIDE AN EXEMPTION TO OTHER PRESCRIBERS THAT DEMONSTRATE TO THE DEPARTMENT'S SATISFACTION THAT SUCH PRESCRIBER'S USE OF CONTROLLED SUBSTANCES IS LIMITED EXCLUSIVELY TO USE IN AN OPERATING ROOM OR TO USE IN OTHER SUBSTANTIALLY SIMILAR CIRCUMSTANCES.

5. THE MAINTENANCE OF LICENSURE REQUIREMENTS SET FORTH IN THIS SECTION MAY ALSO BE SATISFIED BY COMPLETION OF A COURSE OR COURSES SIMILAR TO THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP PROVIDED THAT SUCH COURSE OR COURSES: (A) ARE PROVIDED BY A MEMBER BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES AS PART OF ITS MAINTENANCE OF CERTIFICATION PROCESS OR ARE PROVIDED BY ANY OTHER ORGANIZATION DETERMINED BY THE COMMISSIONER TO BE APPROPRIATE FOR THE PURPOSES OF THIS SECTION; (B) SATISFY THE APPLICABLE HOUR REQUIREMENTS SET FORTH IN PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION; (C) ARE SUBSTANTIALLY SIMILAR TO THE COURSEWORK OR TRAINING DEVELOPED BY THE WORK GROUP AS DETERMINED BY THE OFFICE OF THE PROFESSIONS; AND (D) ARE APPROVED BY THE OFFICE OF THE PROFESSIONS.

6. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY PRESCRIBER THAT IS CERTIFIED BY A MEMBER BOARD OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES UNTIL SUCH TIME AS SUCH MEMBER BOARD HAS INTEGRATED THE COURSEWORK OR TRAINING REQUIRED BY THIS SECTION INTO SUCH MEMBER BOARD'S EXISTING MAINTENANCE OF CERTIFICATION PROCESS; PROVIDED, HOWEVER, THAT THE PROVISIONS OF THIS SECTION SHALL APPLY TO SUCH PRESCRIBERS NO LATER THAN TWENTY-FOUR MONTHS AFTER THIS SECTION SHALL TAKE EFFECT.

S 2. This act shall take effect immediately.