

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. SERRANO, HASSELL-THOMPSON, KRUEGER, MONTGOMERY, PERKINS, SAMPSON, SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to requiring cultural awareness and competence training for medical professionals

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 6505-d
2 to read as follows:
3 S 6505-D. COURSE WORK OR TRAINING IN CULTURAL AWARENESS AND COMPE-
4 TENCE. 1. EVERY PHYSICIAN, PHYSICIAN ASSISTANT, DENTIST, REGISTERED
5 NURSE, LICENSED PRACTICAL NURSE, PODIATRIST, OPTOMETRIST AND NURSE PRAC-
6 TITIONER PRACTICING IN THE STATE WHO PROVIDES DIRECT MEDICAL SERVICES TO
7 PATIENTS IN THIS STATE SHALL, ON OR BEFORE JULY FIRST, TWO THOUSAND
8 THIRTEEN AND EVERY REGISTRATION PERIOD THEREAFTER, COMPLETE COURSE WORK
9 OR TRAINING REGARDING CULTURAL AWARENESS AND COMPETENCE IN THE PROVISION
10 OF MEDICAL SERVICES IN ACCORDANCE WITH REGULATED STANDARDS PROMULGATED
11 BY THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF HEALTH. SUCH
12 CULTURAL AWARENESS AND COMPETENCE COURSE WORK OR TRAINING SHALL REQUIRE
13 TWO HOURS OF COURSE WORK OR TRAINING ENCOMPASSING MINORITY HEALTHCARE
14 ISSUES INCLUDING ETHNIC, RELIGIOUS, LINGUISTIC, SEXUAL ORIENTATION AND
15 GENDER IDENTITY HEALTHCARE ISSUES AND THEIR IMPACT ON MINORITY HEALTH-
16 CARE. IN PROMULGATING REGULATORY STANDARDS PURSUANT TO THIS SECTION THE
17 DEPARTMENT IS ADVISED TO CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF
18 PROFESSIONS, INSTITUTIONS AND THOSE WITH EXPERTISE IN CULTURAL AWARENESS
19 AND COMPETENCE.
20 2. AS USED IN THIS SECTION, "ACCEPTABLE FORMAL CONTINUING EDUCATION"
21 SHALL MEAN FORMAL PROGRAMS OF LEARNING WHICH CONTRIBUTE TO PROFESSIONAL
22 PRACTICE AND WHICH MEET THE STANDARDS PRESCRIBED BY REGULATIONS OF THE

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

1 COMMISSIONER. TO FULFILL THE MANDATORY CONTINUING EDUCATION REQUIREMENT,
2 PROGRAMS MUST BE TAKEN FROM SPONSORS HAVING THE FACILITIES, EQUIPMENT,
3 AND FINANCIAL AND PHYSICAL RESOURCES TO PROVIDE CONTINUING EDUCATION
4 COURSES, APPROVED BY THE DEPARTMENT, PURSUANT TO THE REGULATIONS OF THE
5 COMMISSIONER. CONTINUING EDUCATION MAY BE PROVIDED IN AN INTERNET-BASED
6 COURSE FORMAT AS APPROVED BY THE DEPARTMENT.

7 3. EACH SUCH PROFESSIONAL SHALL ATTEST TO THE DEPARTMENT AT THE TIME
8 OF REGISTRATION COMMENCING WITH THE FIRST REGISTRATION AFTER JULY FIRST,
9 TWO THOUSAND TWELVE THAT THE PROFESSIONAL HAS COMPLETED COURSE WORK OR
10 TRAINING IN ACCORDANCE WITH THIS SECTION.

11 4. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO
12 ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO: (I) CLEARLY DEMONSTRATES
13 TO THE DEPARTMENT'S SATISFACTION THAT THERE WOULD BE NO NEED FOR HIM OR
14 HER TO COMPLETE SUCH COURSE WORK OR TRAINING BECAUSE OF THE NATURE OF
15 HIS OR HER PRACTICE; (II) HAS COMPLETED COURSE WORK OR TRAINING DEEMED
16 BY THE DEPARTMENT TO BE EQUIVALENT TO THE COURSE WORK OR TRAINING
17 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION; (III) HAS COMPLETED
18 COURSE WORK OR TRAINING PERTAINING TO CULTURAL AWARENESS AND COMPETENCE
19 WHICH HAS BEEN INCORPORATED AS PART OF A RISK MANAGEMENT COURSE OFFERED
20 PURSUANT TO SUBDIVISION (E) OF SECTION TWO THOUSAND THREE HUNDRED
21 FORTY-THREE OF THE INSURANCE LAW, PROVIDED THAT SUCH EDUCATIONAL CONTENT
22 HAS BEEN APPROVED BY THE SUPERINTENDENT OF FINANCIAL SERVICES; OR (IV)
23 IS A MEDICAL PROFESSIONAL WHO IS ON A TOUR OF EXTENDED ACTIVE DUTY WITH
24 THE ARMED FORCES OF THE UNITED STATES.

25 5. AT THE BEGINNING OF EACH REGISTRATION PERIOD, A MANDATORY CONTINU-
26 ING EDUCATION FEE OF FIVE DOLLARS SHALL BE COLLECTED FROM ALL PERSONS
27 REQUIRED TO COMPLETE THE COURSE WORK AND TRAINING REQUIRED BY THIS
28 SECTION; PROVIDED THAT ANY PERSON OBTAINING AN EXEMPTION PURSUANT TO
29 SUBDIVISION FOUR OF THIS SECTION SHALL NOT BE REQUIRED TO PAY SUCH FIVE
30 DOLLAR FEE. THIS FEE SHALL BE IN ADDITION TO ALL OTHER EXISTING REGIS-
31 TRATION FEES.

32 6. THE COMMISSIONER IS AUTHORIZED TO PROMULGATE REGULATIONS TO IMPLE-
33 MENT THE PROVISIONS OF THIS SECTION.

34 ANY PERSON SUBJECT TO THE PROVISIONS OF THIS SECTION, WHO FALSELY
35 ATTESTS TO HAVING COMPLETED THE REQUIRED COURSE WORK OR TRAINING SHALL
36 BE SUBJECT TO PROFESSIONAL MISCONDUCT AS PROVIDED BY SUBDIVISION TWEN-
37 TY-ONE OF SECTION SIXTY-FIVE HUNDRED THIRTY OF THIS TITLE AND SUBDIVI-
38 SION NINE OF SECTION SIXTY-FIVE HUNDRED NINE OF THIS TITLE.

39 S 2. Paragraph (f) of subdivision 1 of section 2805-k of the public
40 health law, as amended by chapter 477 of the laws of 2008, is amended
41 and a new subdivision 5 is added to read as follows:

42 (f) Documentation that the physician, dentist or podiatrist has
43 completed the course work or training as mandated by section two hundred
44 thirty-nine of this chapter or section [six thousand five] SIXTY-FIVE
45 hundred five-b of the education law OR SECTION SIXTY-FIVE HUNDRED FIVE-D
46 OF THE EDUCATION LAW. A hospital or facility shall not grant or renew
47 professional privileges or association to a physician, dentist, or
48 podiatrist who has not completed such course work or training. A HOSPI-
49 TAL OR FACILITY SHALL NOT KNOWINGLY GRANT OR RENEW PROFESSIONAL PRIVI-
50 LEGES OR ASSOCIATION TO ANYONE REQUIRED TO COMPLETE COURSE WORK OR
51 TRAINING UNLESS SAID PERSON HAS ATTESTED TO HAVING TAKEN SUCH REQUIRED
52 COURSE WORK OR TRAINING.

53 5. PRIOR TO HIRING OR OTHERWISE GRANTING PRIVILEGES TO A PHYSICIAN
54 ASSISTANT, REGISTERED NURSE, LICENSED PRACTICAL NURSE OR OPTOMETRIST OR
55 A HOSPITAL OR FACILITY APPROVED PURSUANT TO THIS ARTICLE SHALL REQUEST
56 FROM SUCH PERSON DOCUMENTATION THAT HE OR SHE HAS COMPLETED THE COURSE

1 WORK OR TRAINING AS MANDATED BY SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE
2 EDUCATION LAW. A HOSPITAL OR FACILITY SHALL NOT HIRE OR OTHERWISE GRANT
3 PRIVILEGES TO A PHYSICIAN ASSISTANT, REGISTERED NURSE, LICENSED PRACTI-
4 CAL NURSE OR OPTOMETRIST WHO HAS NOT COMPLETED SUCH COURSE WORK OR
5 TRAINING.

6 S 3. This act shall take effect immediately.