

3447--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. SCARBOROUGH -- read once and referred 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, in relation to allowing out-of-state licensed health care professionals to perform services in this state in certain limited circumstances and on a voluntary basis

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 6526 of the education law is amended by adding a
2 new subdivision 10 to read as follows:

3 10. ANY PERSON WHO IS LICENSED TO PRACTICE AS A PHYSICIAN, PHYSICIAN'S
4 ASSISTANT, MASSAGE THERAPIST, PHYSICAL THERAPIST, CHIROPRACTOR, DENTIST,
5 DENTAL HYGIENIST, OPTOMETRIST, ACUPUNCTURIST, NURSE, OR NURSE PRACTI-
6 TIONER IN ANOTHER JURISDICTION AND WHO COMPLIES WITH SECTION SIXTY-FIVE
7 HUNDRED TWENTY-SIX-A OF THIS ARTICLE.

8 S 2. The education law is amended by adding a new section 6526-a to
9 read as follow:

10 S 6526-A. VOLUNTEER PROFESSIONALS. 1. SPONSORING ORGANIZATION
11 REQUIRED. PRIOR TO OFFERING ANY VOLUNTEER MEDICAL SERVICES, ANY PERSON
12 WHO IS LICENSED TO PRACTICE AS A PHYSICIAN, PHYSICIAN'S ASSISTANT,
13 MASSAGE THERAPIST, PHYSICAL THERAPIST, CHIROPRACTOR, DENTIST, DENTAL
14 HYGIENIST, OPTOMETRIST, ACUPUNCTURIST, NURSE, OR NURSE PRACTITIONER IN
15 ANOTHER JURISDICTION MUST FIRST ASSOCIATE WITH AND BE SPONSORED BY A
16 REGISTERED SPONSORING ORGANIZATION AS SUCH ORGANIZATION IS DEFINED IN
17 THIS SECTION.

18 2. REGISTRATION REQUIREMENTS AND REVOCATION. (A) BEFORE PROVIDING
19 VOLUNTEER MEDICAL SERVICES IN THIS STATE, A SPONSORING ORGANIZATION
20 SHALL REGISTER WITH THE DEPARTMENT OF HEALTH BY SUBMITTING A REGISTRA-
21 TION FEE OF FIFTY DOLLARS AND FILING A REGISTRATION FORM. THE FIFTY
22 DOLLAR REGISTRATION FEE SHALL NOT APPLY TO ANY SPONSORING ORGANIZATION

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

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1 WHEN PROVIDING VOLUNTEER HEALTH CARE SERVICES IN CASES OF NATURAL OR
2 MAN-MADE DISASTERS. SUCH REGULATION FORM SHALL CONTAIN:

3 (I) THE NAME OF THE SPONSORING ORGANIZATION;

4 (II) THE NAME OF PRINCIPAL INDIVIDUAL OR INDIVIDUALS WHO ARE THE OFFI-
5 CERS OR ORGANIZATIONAL OFFICIALS RESPONSIBLE FOR THE OPERATION OF THE
6 SPONSORING ORGANIZATION;

7 (III) THE ADDRESS, INCLUDING STREET, CITY, ZIP CODE AND COUNTY, OF THE
8 SPONSORING ORGANIZATION'S PRINCIPAL OFFICE ADDRESS AND THE SAME ADDRESS
9 INFORMATION FOR EACH PRINCIPAL OR OFFICIAL LISTED IN SUBPARAGRAPH (II)
10 OF THIS PARAGRAPH;

11 (IV) TELEPHONE NUMBERS FOR THE PRINCIPAL OFFICE OF THE SPONSORING
12 AGENCY AND EACH PRINCIPAL OR OFFICIAL LISTED IN SUBPARAGRAPH (II) OF
13 THIS PARAGRAPH; AND

14 (V) SUCH ADDITIONAL INFORMATION AS THE DEPARTMENT SHALL REQUIRE.

15 (B) UPON ANY CHANGE IN THE INFORMATION REQUIRED UNDER PARAGRAPH (A) OF
16 THIS SUBDIVISION, THE SPONSORING ORGANIZATION SHALL NOTIFY THE DEPART-
17 MENT IN WRITING OF SUCH CHANGE WITHIN THIRTY DAYS OF ITS OCCURRENCE.

18 (C) THE SPONSORING ORGANIZATION SHALL FILE A YEARLY VOLUNTARY SERVICES
19 REPORT WITH THE DEPARTMENT OF HEALTH THAT LISTS ALL LICENSED HEALTH CARE
20 PROVIDERS WHO PROVIDED VOLUNTARY HEALTH CARE SERVICES IN THIS STATE
21 DURING THE PRECEDING YEAR. THE SPONSORING ORGANIZATION SHALL MAINTAIN ON
22 FILE FOR FIVE YEARS FOLLOWING THE DATE OF SERVICE ADDITIONAL INFORMA-
23 TION, INCLUDING THE DATE, PLACE AND TYPE OF SERVICES PROVIDED.

24 (D) EACH SPONSORING ORGANIZATION SHALL MAINTAIN A LIST OF HEALTH CARE
25 PROVIDERS ASSOCIATED WITH ITS PROVISION OF VOLUNTARY HEALTH SERVICES.
26 FOR EACH SUCH HEALTH CARE PROVIDER, THE ORGANIZATION SHALL MAINTAIN A
27 COPY OF A CURRENT LICENSE, CERTIFICATE OR STATEMENT OF EXEMPTION FROM
28 LICENSURE OR CERTIFICATION OR, IN THE EVENT THAT THE HEALTH CARE PROVID-
29 ER IS CURRENTLY LICENSED IN THIS STATE, A COPY OF THE HEALTH CARE
30 PROVIDER'S LICENSE VERIFICATION OBTAINED FROM A STATE-SPONSORED WEB
31 SITE.

32 (E) THE SPONSORING ORGANIZATION SHALL MAINTAIN SUCH RECORDS FOR A
33 PERIOD OF AT LEAST FIVE YEARS FOLLOWING THE PROVISION OF HEALTH CARE
34 SERVICES AND SHALL FURNISH SUCH RECORDS UPON REQUEST TO ANY REGULATORY
35 BOARD ESTABLISHED UNDER THIS TITLE.

36 (F) COMPLIANCE WITH PARAGRAPHS (A) AND (C) OF THIS SUBDIVISION SHALL
37 BE PRIMA FACIE EVIDENCE THAT THE SPONSORING ORGANIZATION HAS EXERCISED
38 DUE CARE IN ITS SELECTION OF HEALTH CARE PROVIDERS.

39 (G) THE DEPARTMENT MAY REVOKE THE REGISTRATION OF ANY SPONSORING
40 ORGANIZATION THAT FAILS TO COMPLY WITH THE REQUIREMENTS OF PARAGRAPHS
41 (A) THROUGH (E) OF THIS SUBDIVISION.

42 3. IMMUNITY FOR VOLUNTARY PROVISION OF HEALTH CARE SERVICES.

43 (A) NO PERSON WHO IS LICENSED, CERTIFIED OR AUTHORIZED BY THE BOARD OF
44 ANY OF THE PROFESSIONS OF THE HEALING ACTS, AS ENUMERATED IN THIS TITLE,
45 AND WHO ENGAGES IN THE VOLUNTARY PROVISION OF HEALTH CARE SERVICES WITH-
46 IN THE LIMITS OF THE PERSON'S LICENSE, CERTIFICATION OR AUTHORIZATION TO
47 ANY PATIENT OF A SPONSORING ORGANIZATION WITHIN THE MEANING OF THIS
48 SECTION, SHALL BE LIABLE FOR ANY CIVIL DAMAGES FOR ANY ACT OR OMISSION
49 RESULTING FROM THE RENDERING OF SUCH SERVICES, UNLESS THE ACT OR OMIS-
50 SION WAS THE RESULT OF SUCH PERSON'S GROSS NEGLIGENCE OR WILLFUL MISCON-
51 DUCT.

52 (B) THE VOLUNTEER LICENSEE WHO IS PROVIDING FREE CARE SHALL NOT
53 RECEIVE COMPENSATION OF ANY TYPE, DIRECTLY OR INDIRECTLY, OR ANY BENE-
54 FITS OF ANY TYPE WHATSOEVER, OR ANY CONSIDERATION OF ANY NATURE, FROM
55 ANYONE FOR SUCH FREE CARE, NOR SHALL SUCH SERVICES BE PART OF THE
56 PROVIDER'S TRAINING OR ASSIGNMENT.

1 (C) THE VOLUNTEER LICENSEE MUST BE ACTING WITHIN THE SCOPE OF SUCH
2 LICENSE, CERTIFICATION OR AUTHORITY.

3 (D) A HEALTH CARE LICENSEE PROVIDING FREE HEALTH CARE SHALL NOT ENGAGE
4 IN ACTIVITIES AT A CLINIC OR AT THE HEALTH CARE LICENSEE'S OFFICE, IF
5 THE ACTIVITIES ARE PERFORMED ON BEHALF OF THE SPONSORING ORGANIZATION,
6 UNLESS THOSE ACTIVITIES ARE AUTHORIZED BY THE APPROPRIATE AUTHORITIES TO
7 BE PERFORMED AT THE CLINIC OR OFFICE AND THE CLINIC OR OFFICE IS IN
8 COMPLIANCE WITH ALL APPLICABLE RULES AND REGULATIONS.

9 (E) FOR PURPOSES OF THIS SECTION, ANY COMMISSIONED OR CONTRACT MEDICAL
10 OFFICER OR DENTIST SERVING ON ACTIVE DUTY IN THE UNITED STATES ARMED
11 FORCES AND ASSIGNED TO DUTY AS A PRACTICING, COMMISSIONED OR CONTRACT
12 MEDICAL OFFICER OR DENTIST AT ANY MILITARY HOSPITAL OR MEDICAL FACILITY
13 OWNED AND OPERATED BY THE UNITED STATES GOVERNMENT SHALL BE DEEMED TO BE
14 LICENSED PURSUANT TO THIS SECTION.

15 S 3. This act shall take effect immediately.