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

9066

I N A S S E M B L Y

January 21, 2016

Introduced by M. of A. RYAN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to creating a continuing medical education requirement for health care professionals; to amend the environmental conservation law and the state finance law, in relation to the creation of the safe drug disposal site grant program and fund; and to amend the executive law, in relation to the creation of an advisory panel on health curricula in schools; and making an appropriation therefor

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 6524-a to read as follows:

S 6524-A. CONTINUING MEDICAL EDUCATION. 1. A. EACH HEALTH CARE PROFESSIONAL LICENSED, REGISTERED OR CERTIFIED UNDER TITLE EIGHT OF THIS CHAPTER TO TREAT HUMANS, MUST COMPLY WITH THE PROVISIONS OF THE CONTINUING MEDICAL EDUCATION REQUIREMENTS PRESCRIBED IN SUBDIVISION TWO OF THIS SECTION. THOSE WHO DO NOT SATISFY THE MANDATORY CONTINUING MEDICAL EDUCATION REQUIREMENTS SHALL NOT BE AUTHORIZED TO PRACTICE UNTIL THEY HAVE MET SUCH REQUIREMENTS, AND THEY HAVE BEEN ISSUED A REGISTRATION CERTIFICATE, EXCEPT THAT THEY MAY PRACTICE WITHOUT HAVING MET SUCH REQUIREMENTS IF HE OR SHE IS ISSUED A CONDITIONAL REGISTRATION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

B. THE DEPARTMENT OF HEALTH SHALL COLLECT DATA FROM THE I-STOP SYSTEM SEMIANNUALLY AND DETERMINE THE AVERAGE NUMBER OF SCHEDULE II, III, AND IV CONTROLLED SUBSTANCES EACH HEALTH CARE PROFESSIONAL, AS DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION, PRESCRIBES PER YEAR AND REPORT SUCH FINDINGS TO THE DEPARTMENT. ONLY THOSE HEALTH CARE PROFESSIONALS WHOSE RATE OF PRESCRIPTION IS WITHIN THE TOP TWENTY PERCENT OF HEALTH CARE PROFESSIONALS WHO PRESCRIBE SCHEDULE II, III, AND IV CONTROLLED SUBSTANCES ARE SUBJECT TO THE CONTINUING MEDICAL EDUCATION PROVISIONS OF THIS SECTION. ADJUSTMENT TO THE CONTINUING MEDICAL EDUCATION REQUIREMENTS MAY BE GRANTED BY THE DEPARTMENT FOR REASONS OF HEALTH OF THE LICENSEE WHERE CERTIFIED BY AN APPROPRIATE HEALTH CARE PROFESSIONAL, FOR

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

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EXTENDED ACTIVE DUTY WITH THE ARMED FORCES OF THE UNITED STATES, OR FOR OTHER GOOD CAUSE ACCEPTABLE TO THE DEPARTMENT WHICH MAY PREVENT COMPLIANCE.

2. A. DURING THE REGISTRATION PERIOD AN APPLICANT FOR REGISTRATION AS A HEALTH CARE PROFESSIONAL SHALL COMPLETE A MINIMUM OF THREE HOURS OF COURSEWORK OF CONTINUING MEDICAL EDUCATION, AS SPECIFIED IN SUBDIVISION FOUR OF THIS SECTION; PROVIDED, HOWEVER, THAT SAID HOURS SHALL BE DEEMED TO COUNT TOWARD THE PROFESSIONAL'S OBLIGATION FOR BOARD CERTIFICATION.

B. A LICENSEE WHO HAS NOT SATISFIED THE CONTINUING MEDICAL EDUCATION REQUIREMENTS SHALL NOT BE ISSUED A REGISTRATION CERTIFICATE BY THE DEPARTMENT AND SHALL NOT PRACTICE UNLESS AND UNTIL A CONDITIONAL REGISTRATION CERTIFICATE IS ISSUED AS PROVIDED FOR IN SUBDIVISION THREE OF THIS SECTION.

3. THE DEPARTMENT, IN ITS DISCRETION, MAY ISSUE A CONDITIONAL REGISTRATION TO A LICENSEE WHO FAILS TO MEET THE CONTINUING COMPETENCY REQUIREMENTS ESTABLISHED IN SUBDIVISION TWO OF THIS SECTION, BUT WHO AGREES TO MAKE UP ANY DEFICIENCIES AND COMPLETE ANY ADDITIONAL COURSEWORK WHICH THE DEPARTMENT MAY REQUIRE. THE FEE FOR SUCH A CONDITIONAL REGISTRATION SHALL BE THE SAME AS, AND IN ADDITION TO, THE FEE FOR REGISTRATION. THE DURATION OF SUCH CONDITIONAL REGISTRATION SHALL BE DETERMINED BY THE DEPARTMENT BUT SHALL NOT EXCEED ONE YEAR. ANY LICENSEE WHO IS NOTIFIED OF THE DENIAL OF REGISTRATION FOR FAILURE TO SUBMIT EVIDENCE, SATISFACTORY TO THE DEPARTMENT, OF REQUIRED CONTINUING MEDICAL EDUCATION COURSEWORK AND WHO PRACTICES WITHOUT SUCH REGISTRATION MAY BE SUBJECT TO DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

4. AS USED IN SUBDIVISION TWO OF THIS SECTION, "COURSEWORK" SHALL MEAN CURRICULA ESTABLISHED BY THE DEPARTMENT OF HEALTH OR AN EXISTING NATIONALLY RECOGNIZED CURRICULA REGARDING APPROPRIATE PRACTICES FOR PAIN MANAGEMENT, PALLIATIVE CARE AND ADDICTION. SUCH COURSEWORK SHALL BE AVAILABLE IN AN ONLINE FORMAT AND MAY BE AVAILABLE AT LIVE CONTINUING MEDICAL EDUCATION (CME) CONFERENCES THAT ARE APPROVED FOR CATEGORY ONE CME CREDITS OF THE AMERICAN MEDICAL ASSOCIATION'S (AMA) PHYSICIAN RECOGNITION AWARD AND MEET THE REQUIREMENTS OF THE DEPARTMENT OF HEALTH. IN ADDITION, EXISTING ONLINE TRAINING COURSES THAT ARE OFFERED BY MEMBER BOARDS OF THE AMERICAN BOARD OF MEDICAL SPECIALTIES THAT ARE REQUIRED FOR MAINTENANCE OF CERTIFICATION (MOC) MAY BE APPROVED BY THE DEPARTMENT OF HEALTH FOR ALL OR A PORTION OF NEW YORK'S REQUIRED COURSEWORK RELATED TO THE APPROPRIATE PRESCRIBING PRACTICES FOR PAIN MANAGEMENT, PALLIATIVE CARE, AND ADDICTION.

5. HEALTH CARE PROFESSIONALS SHALL MAINTAIN ADEQUATE DOCUMENTATION OF COMPLETION OF ACCEPTABLE CONTINUING MEDICAL EDUCATION COURSEWORK AND SHALL PROVIDE SUCH DOCUMENTATION AT THE REQUEST OF THE DEPARTMENT. FAILURE TO PROVIDE SUCH DOCUMENTATION UPON REQUEST OF THE DEPARTMENT SHALL BE AN ACT OF MISCONDUCT SUBJECT TO THE DISCIPLINARY PROCEEDINGS PURSUANT TO SECTION SIXTY-FIVE HUNDRED TEN OF THIS TITLE.

6. THE CONTINUING MEDICAL EDUCATION FEE SHALL BE FORTY-FIVE DOLLARS FOR HEALTH PROFESSIONALS, SHALL BE PAYABLE ON OR BEFORE THE FIRST DAY OF EACH REGISTRATION PERIOD, AND SHALL BE PAID IN ADDITION TO THE REGISTRATION FEE REQUIRED.

S 2. Title 27 of article 27 of the environmental conservation law, as added by chapter 625 of the laws of 2008, is amended by adding a new section 27-2705 to read as follows:

S 27-2705. SAFE DRUG DISPOSAL SITE GRANT PROGRAM.

1. ANY PHARMACY OR DRUG ENFORCEMENT AGENCY AUTHORIZED TO COLLECT DRUGS PER THE DEPARTMENT MAY APPLY FOR A GRANT FROM THE SAFE DRUG DISPOSAL

SITE FUND AS ESTABLISHED PURSUANT TO SECTION NINETY-NINE-Y OF THE STATE FINANCE LAW. GRANTS MAY ONLY BE ISSUED FOR THE OPERATION OF A SAFE DISPOSAL SITE FOR SCHEDULE II, III, IV, AND V CONTROLLED SUBSTANCES. OPERATION OF SUCH SITE SHALL INCLUDE THE COLLECTION, STORAGE, OR DISPOSAL OF CONTROLLED SUBSTANCES FROM INDIVIDUAL CONSUMERS, BUT SHALL NOT BE USED TO DISPOSE OF ANY INVENTORY.

2. THE COMMISSIONER SHALL DEVELOP GUIDELINES SETTING FORTH THE GENERAL REQUIREMENTS OF ELIGIBILITY FOR QUALIFYING FOR A GRANT AND GUIDELINES FOR APPLICATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION. FURTHER, THE COMMISSIONER SHALL DETERMINE LIMITS ON THE AMOUNT OF MONEY EACH AUTHORIZED DRUG COLLECTOR MAY RECEIVE PER GRANT AND ANY DISCIPLINARY ACTION SUCH COLLECTOR MAY RECEIVE FOR NONCOMPLIANCE WITH THIS SECTION.

S 3. The state finance law is amended by adding a new section 99-y to read as follows:

S 99-Y. SAFE DRUG DISPOSAL SITE FUND. 1. THERE IS HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "SAFE DRUG DISPOSAL SITE FUND". THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL PROMULGATE ANY RULES AND REGULATIONS HE OR SHE DEEMS NECESSARY TO IMPLEMENT AND REGULATE SUCH FUND.

2. SUCH FUND SHALL CONSIST OF ALL MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER FUND OR SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS, OR BEQUESTS FOR THE PURPOSES OF THE FUND PURSUANT TO SECTION 27-2705 OF THE ENVIRONMENTAL CONSERVATION LAW.

3. THE MONEYS IN THE SAFE DRUG DISPOSAL SITE FUND SHALL BE KEPT SEPARATE AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE STATE COMPTROLLER.

4. THE MONEYS IN THE SAFE DRUG DISPOSAL SITE FUND SHALL BE DISTRIBUTED PURSUANT TO SECTION 27-2705 OF THE ENVIRONMENTAL CONSERVATION LAW.

S 4. The executive law is amended by adding a new section 94-c to read as follows:

S 94-C. ADVISORY PANEL ON HEALTH CURRICULA IN SCHOOLS. 1. AN ADVISORY PANEL IS HEREBY CREATED UNDER THE DEPARTMENT OF STATE TO EVALUATE AND UPDATE THE CURRICULUM FOR HEALTH CLASSES IN PUBLIC SCHOOLS IN THE STATE.

2. SUCH ADVISORY PANEL SHALL BE APPOINTED BY THE COMMISSIONER AND COMPOSED OF INDIVIDUALS INVOLVED IN EDUCATION AND/OR WITH A BACKGROUND IN THE AREAS OF ADDICTION, DRUG USE, LAW ENFORCEMENT AND DRUG TREATMENT.

3. SUCH PANEL MEMBERS SHALL SERVE WITHOUT COMPENSATION EXCEPT THAT SUCH MEMBERS SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN SUCH SERVICE.

4. THE ADVISORY PANEL SHALL MAKE ANNUAL UPDATE RECOMMENDATIONS TO THE DEPARTMENT OF EDUCATION WITH CURRENT INFORMATION REGARDING HEALTH.

S 5. The sum of two million dollars ($2,000,000), is hereby appropriated to the department of environmental conservation out of moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of section three of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of environmental conservation in the manner prescribed by law.

S 6. This act shall take effect immediately.