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

10726

I N A S S E M B L Y

June 14, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Cusick) -- (at request of the Governor) -- read once and referred to the Committee on Alcoholism and Drug Abuse

AN ACT to amend the education law, in relation to providing limited exemptions from professional misconduct (Part A); to amend the public health law, in relation to reporting opioid overdose data to the counties (Part B); and to amend the public health law, in relation to hospital substance use disorder policies and procedures (Part C)

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

Section 1. This act enacts into law major components of legislation related to addressing the issue of heroin and opioid addictions. Each component is wholly contained within a Part identified as Parts A through C. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. The education law is amended by adding a new section 6509-d to read as follows:

S 6509-D. LIMITED EXEMPTION FROM PROFESSIONAL MISCONDUCT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IT SHALL NOT BE CONSIDERED PROFESSIONAL MISCONDUCT PURSUANT TO THIS SUB-ARTICLE FOR ANY PERSON WHO IS LICENSED UNDER TITLE EIGHT OF THIS CHAPTER AND WHO WOULD OTHERWISE BE PROHIBITED FROM PRESCRIBING OR ADMINISTERING DRUGS PURSUANT TO THE ARTICLE THAT LICENSES SUCH INDIVIDUAL, TO ADMINISTER AN OPIOID ANTAGONIST IN THE EVENT OF AN EMERGENCY.

S 2. This act shall take effect immediately.

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

LBD12079-01-6

PART B

Section 1. Subdivision 6 of section 3309 of the public health law, as added by a chapter of the laws of 2016 amending the public health law relating to reporting of opioid overdose data, as proposed in legislative bills numbers S.6516-A and A.9251-A, is amended to read as follows:

6. The commissioner shall provide the current information and data specified in subdivision five of this section to each county [on a monthly basis] EVERY THREE MONTHS. Such information and data may be utilized by a county or any combination thereof as it works to address the opioid epidemic.

S 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2016 amending the public health law relating to reporting of opioid overdose data, as proposed in legislative bills numbers S.6516-A and A.9251-A, takes effect; provided that the amendments to subdivision 6 of section 3309 of the public health law, made by section one of this act, shall not affect the expiration of such subdivision, and shall be deemed repealed therewith.

PART C

Section 1. The public health law is amended by adding a new section 2803-u to read as follows:

S 2803-U. HOSPITAL SUBSTANCE USE DISORDER POLICIES AND PROCEDURES. 1. THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, IN CONSULTATION WITH THE DEPARTMENT, SHALL DEVELOP OR UTILIZE EXISTING EDUCATIONAL MATERIALS TO BE PROVIDED TO GENERAL HOSPITALS TO DISSEMINATE TO INDIVIDUALS WITH A DOCUMENTED SUBSTANCE USE DISORDER OR WHO APPEAR TO HAVE OR BE AT RISK FOR A SUBSTANCE USE DISORDER DURING DISCHARGE PLANNING PURSUANT TO SECTION TWENTY-EIGHT HUNDRED THREE-I OF THIS CHAPTER. SUCH MATERIALS SHALL INCLUDE INFORMATION REGARDING THE VARIOUS TYPES OF TREATMENT AND RECOVERY SERVICES, INCLUDING BUT NOT LIMITED TO: INPATIENT, OUTPATIENT, AND MEDICATION-ASSISTED TREATMENT; HOW TO RECOGNIZE THE NEED FOR TREATMENT SERVICES; INFORMATION FOR INDIVIDUALS TO DETERMINE WHAT TYPE AND LEVEL OF TREATMENT IS MOST APPROPRIATE AND WHAT RESOURCES ARE AVAILABLE TO THEM; AND ANY OTHER INFORMATION THE COMMISSIONER DEEMS APPROPRIATE.

2. EVERY GENERAL HOSPITAL SHALL: (A) WITHIN EXISTING OR IN ADDITION TO CURRENT POLICIES AND PROCEDURES, DEVELOP, MAINTAIN AND DISSEMINATE, WRITTEN POLICIES AND PROCEDURES, FOR THE IDENTIFICATION, ASSESSMENT AND REFERRAL OF INDIVIDUALS WITH A DOCUMENTED SUBSTANCE USE DISORDER OR WHO APPEAR TO HAVE OR BE AT RISK FOR A SUBSTANCE USE DISORDER AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW;

(B) ESTABLISH AND IMPLEMENT TRAINING, WITHIN EXISTING OR IN ADDITION TO CURRENT TRAINING PROGRAMS, FOR ALL INDIVIDUALS LICENSED OR CERTIFIED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHO PROVIDE DIRECT PATIENT CARE REGARDING THE POLICIES AND PROCEDURES ESTABLISHED PURSUANT TO THIS SECTION; AND

(C) EXCEPT WHERE AN INDIVIDUAL HAS COME INTO THE HOSPITAL UNDER SECTION 22.09 OF THE MENTAL HYGIENE LAW, IF THE HOSPITAL DOES NOT DIRECTLY PROVIDE SUBSTANCE USE DISORDER SERVICES, THEN IT SHALL REFER INDIVIDUALS IN NEED OF SUBSTANCE USE DISORDER SERVICES TO AND COORDINATE WITH SUBSTANCE USE DISORDER SERVICES PROGRAMS THAT PROVIDE BEHAVIORAL HEALTH SERVICES, AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW.

3. UPON COMMENCEMENT OF TREATMENT, ADMISSION, OR DISCHARGE OF AN INDIVIDUAL WITH A DOCUMENTED SUBSTANCE USE DISORDER OR WHO APPEARS TO HAVE OR BE AT RISK FOR A SUBSTANCE USE DISORDER, INCLUDING DISCHARGE FROM THE

EMERGENCY DEPARTMENT, SUCH HOSPITAL SHALL INFORM THE INDIVIDUAL OF THE AVAILABILITY OF THE SUBSTANCE USE DISORDER TREATMENT SERVICES THAT MAY BE AVAILABLE TO THEM THROUGH A SUBSTANCE USE DISORDER SERVICES PROGRAM.

4. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF THE OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, SHALL MAKE REGULATIONS AS MAY BE NECESSARY AND PROPER TO CARRY OUT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that the commissioner of health and the commissioner of alcoholism and substance abuse services shall make regulations and take other actions reasonably necessary to implement this act on such date.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through C of this act shall be as specifically set forth in the last section of such Parts.