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2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

Introduced by M. of A. McDONOUGH, GIGLIO, RAIA, GALEF, MONTESANO --
Multi-Sponsored by -- M. of A. GARBARINO, HAWLEY, KATZ, KOLB, ROBIN-
SON -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the education law, in relation
to clinical education in pain management

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

1 Section 1. The public health law is amended by adding a new article
2 28-F to read as follows:

3 ARTICLE 28-F
4 PAIN MANAGEMENT

5 SECTION 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT.

6 2900-A. ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION.

7 S 2900. CLINICAL EDUCATION IN PAIN MANAGEMENT. 1. EVERY PHYSICIAN,
8 PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT PRACTICING IN THE STATE
9 SHALL, EVERY FOUR YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN
10 MANAGEMENT, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY THE
11 DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE DEPARTMENT IN
12 CONSULTATION WITH THE EDUCATION DEPARTMENT; AND SO DOCUMENT COMPLETION
13 TO THE DEPARTMENT.

14 2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THIS REQUIREMENT TO
15 ANYONE WHO REQUESTS SUCH AN EXEMPTION AND WHO DEMONSTRATES TO THE
16 DEPARTMENT'S SATISFACTION THAT:

17 (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK
18 OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE, OR

19 (B) HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE
20 DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING
21 APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

22 3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-
23 RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION,
24 OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED

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

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1 IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED
2 TO: PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER SYMPTOMS;
3 ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES ON END-OF-LIFE CARE;
4 ACUPUNCTURE TREATMENT; AND CLINICAL COMMUNICATION SKILLS. THE DEPARTMENT
5 SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE PRACTI-
6 TIONERS, INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT,
7 INCLUDING EXPERTISE IN THE ACUPUNCTURE FIELD, WITH RESPECT TO THE STAND-
8 ARDS PROMULGATED UNDER THIS SECTION.

9 S 2900-A. ADVISORY COMMITTEE ON PAIN MANAGEMENT EDUCATION. THE COMMIS-
10 SIONER, IN DEVELOPING, REVIEWING AND IMPLEMENTING THE EDUCATIONAL STAND-
11 ARDS UNDER SECTION TWENTY-NINE HUNDRED OF THIS ARTICLE, AND THE COMMIS-
12 SIONER OF EDUCATION, IN DEVELOPING, REVIEWING AND IMPLEMENTING
13 EDUCATIONAL STANDARDS UNDER SECTION SIXTY-FIVE HUNDRED FIVE-D OF THE
14 EDUCATION LAW, SHALL CONSULT THE ADVISORY COMMITTEE ON PAIN MANAGEMENT
15 EDUCATION CREATED BY THIS SECTION. THE ADVISORY COMMITTEE ON PAIN
16 MANAGEMENT EDUCATION SHALL BE COMPRISED OF TWELVE MEMBERS APPOINTED AS
17 FOLLOWS: SIX BY THE COMMISSIONER; AND SIX BY THE COMMISSIONER OF EDUCA-
18 TION. THE COMMITTEE SHALL BE REPRESENTATIVE OF HEALTH CARE PRACTITIONERS
19 AND THEIR PROFESSIONAL ORGANIZATIONS, PAIN MANAGEMENT SPECIALISTS,
20 INCLUDING THOSE IN THE ACUPUNCTURE FIELD, AND HEALTH CARE PRACTITIONER
21 EDUCATION EXPERTS.

22 S 2. The education law is amended by adding a new section 6505-d to
23 read as follows:

24 S 6505-D. CLINICAL EDUCATION IN PAIN MANAGEMENT. 1. EVERY HEALTH CARE
25 PRACTITIONER LICENSED OR CERTIFIED PURSUANT TO THIS TITLE, WHO IS
26 AUTHORIZED TO ORDER, PRESCRIBE, ADMINISTER OR DISPENSE PAIN-RELIEVING
27 MEDICATIONS OR OTHER TREATMENT FOR THE RELIEF OF PAIN IN THIS STATE
28 (OTHER THAN A PHYSICIAN, PHYSICIAN ASSISTANT AND SPECIALIST ASSISTANT)
29 SHALL, EVERY FOUR YEARS COMPLETE COURSE WORK OR TRAINING REGARDING PAIN
30 MANAGEMENT, APPROPRIATE TO THE PROFESSIONAL'S PRACTICE, APPROVED BY THE
31 DEPARTMENT IN ACCORDANCE WITH STANDARDS PROMULGATED BY THE DEPARTMENT IN
32 CONSULTATION WITH THE DEPARTMENT OF HEALTH; AND SO DOCUMENT TO THE
33 DEPARTMENT.

34 2. THE DEPARTMENT SHALL PROVIDE AN EXEMPTION FROM THE REQUIREMENTS OF
35 SUBDIVISION ONE OF THIS SECTION TO ANYONE WHO REQUESTS SUCH AN EXEMPTION
36 AND WHO DEMONSTRATES TO THE DEPARTMENT'S SATISFACTION THAT:

37 (A) THERE WOULD BE NO NEED FOR HIM OR HER TO COMPLETE SUCH COURSE WORK
38 OR TRAINING BECAUSE OF THE NATURE OF HIS OR HER PRACTICE, OR

39 (B) THAT HE OR SHE HAS COMPLETED COURSE WORK OR TRAINING DEEMED BY THE
40 DEPARTMENT TO BE EQUIVALENT TO THE STANDARDS FOR COURSE WORK OR TRAINING
41 APPROVED BY THE DEPARTMENT UNDER THIS SECTION.

42 3. EXISTING CURRICULA, INCLUDING CURRICULA DEVELOPED BY A NATIONALLY-
43 RECOGNIZED HEALTH CARE PROFESSIONAL, SPECIALTY, OR PROVIDER ASSOCIATION,
44 OR NATIONALLY-RECOGNIZED PAIN MANAGEMENT ASSOCIATION, MAY BE CONSIDERED
45 IN IMPLEMENTING THIS SECTION. CURRICULA SHALL INCLUDE BUT NOT BE LIMITED
46 TO: ACUPUNCTURE; PALLIATIVE MEDICINE; PAIN; NEUROPSYCHOLOGIC AND OTHER
47 SYMPTOMS; ETHICS AND THE LAW; PATIENT AND FAMILY PERSPECTIVES ON
48 END-OF-LIFE CARE; AND CLINICAL COMMUNICATION SKILLS. THE DEPARTMENT OF
49 HEALTH SHALL CONSULT WITH ORGANIZATIONS REPRESENTATIVE OF HEALTH CARE
50 PRACTITIONERS; INSTITUTIONS AND THOSE WITH EXPERTISE IN PAIN MANAGEMENT
51 WITH RESPECT TO THE STANDARDS PROMULGATED UNDER THIS SECTION.

52 S 3. This act shall take effect immediately.