

7162--A

I N S E N A T E

April 4, 2016

Introduced by Sens. SAVINO, ADDABBO, PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the workers' compensation law and the public health law, in relation to occupational safety and health prevention centers located at the city university of New York Barry Commoner Center for Health and Environment and the occupational health clinical center at the Upstate Medical University of the state university of New York

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

1 Section 1. Subdivision 3 of section 151 of the workers' compensation
2 law, as added by section 22 of part GG of chapter 57 of the laws of
3 2013, is amended to read as follows:
4 3. The chair and department of audit and control annually as soon as
5 practicable after the first of April of each year shall ascertain the
6 actual total amount of expenses, including in addition to the direct
7 costs of personal service, the cost of maintenance and operation, the
8 cost of retirement contributions made and workers' compensation premiums
9 paid by the state for or on account of personnel, rentals for space
10 occupied in state owned or state leased buildings, such additional sum
11 as may be certified to the chair and the department of audit and control
12 as a reasonable compensation for services rendered by the department of
13 law and expenses incurred by such department, for transfer into the
14 training and educational program on occupational safety and health fund
15 created pursuant to chapter eight hundred eighty-six of the laws of
16 nineteen hundred eighty-five and section ninety-seven-c of the state
17 finance law, for the New York state occupational health clinics network,
18 for the department of labor occupational safety and health program, THE
19 OCCUPATIONAL SAFETY AND HEALTH PREVENTION CENTERS PURSUANT TO TITLE SIX
20 OF ARTICLE TWENTY-NINE-D OF THE PUBLIC HEALTH LAW and for transfer into
21 the uninsured employers' fund pursuant to subdivision two of section
22 twenty-six-a of this chapter, and all other direct or indirect costs,
23 incurred by the board in connection with the administration of this

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

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1 chapter, except those expenses for which an assessment is authorized for
2 self-insurance pursuant to subdivision five of section fifty of this
3 chapter. Assessments pursuant to subparagraph four of paragraph (h) of
4 subdivision eight of section fifteen of this chapter for the special
5 disability fund, pursuant to section fifty-c of this chapter for the
6 self insurer offset fund, pursuant to subdivision three of section twenty-
7 ty-five-a of this chapter for the fund for reopened cases, and pursuant
8 to section two hundred fourteen of this chapter for the special fund for
9 disability benefits shall be included in the total amount of expenses
10 for the purposes of this subdivision. Any overpayment of annual assess-
11 ments resulting from the requirements of this subdivision shall be
12 applied as a credit against the future assessment rate provided the fund
13 balance shall not be reduced below ten percent of the total amount
14 assessed. FOR THE NEW YORK STATE OCCUPATIONAL HEALTH CLINICS NETWORK,
15 THE DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH PROGRAM, AND THE
16 OCCUPATIONAL SAFETY AND HEALTH PREVENTION CENTERS PURSUANT TO TITLE SIX
17 OF ARTICLE TWENTY-NINE-D OF THE PUBLIC HEALTH LAW, THE STATE SHALL
18 APPROPRIATE FUNDS ANNUALLY IN AN AMOUNT NOT LESS THAN THE AMOUNT APPRO-
19 PRIATED AND MADE AVAILABLE IN THE PREVIOUS STATE FISCAL YEAR; PROVIDED,
20 HOWEVER, THAT IF THE GOVERNOR DECLARES A FISCAL EMERGENCY, AND COMMUNI-
21 CATES SUCH EMERGENCY TO THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAK-
22 ER OF THE ASSEMBLY, STATE SUPPORT FOR THESE PROGRAMS MAY BE REDUCED IN A
23 MANNER PROPORTIONATE TO ONE ANOTHER, AND THE AFOREMENTIONED APPROPRI-
24 ATION PROVISIONS SHALL NOT APPLY.

25 S 2. Article 29-D of the public health law is amended by adding a new
26 title 6 to read as follows:

27 TITLE 6

28 OCCUPATIONAL SAFETY AND HEALTH PREVENTION CENTERS

29 SECTION 2999-M-1. OCCUPATIONAL SAFETY AND HEALTH PREVENTION CENTERS.

30 2999-M-2. PURPOSE OF CENTERS.

31 2999-M-3. PREVENTION DATA ANALYSIS AND DISSEMINATION.

32 2999-M-4. IMMIGRANT AND VULNERABLE WORK FORCE.

33 2999-M-5. SECONDARY PREVENTION OF OCCUPATIONAL DISEASES.

34 S 2999-M-1. OCCUPATIONAL SAFETY AND HEALTH PREVENTION CENTERS. THERE
35 IS HEREBY ESTABLISHED CONTINGENT ON AN APPROPRIATION FOR THE STATE
36 FISCAL YEAR TWO THOUSAND SEVENTEEN--TWO THOUSAND EIGHTEEN OCCUPATIONAL
37 SAFETY AND HEALTH PREVENTION CENTERS AS DEFINED IN THIS TITLE AND
38 REFERRED TO IN THIS TITLE AS "THE PREVENTION CENTERS".

39 S 2999-M-2. PURPOSE OF CENTERS. THE PURPOSE OF THE PREVENTION CENTERS
40 IS TO IDENTIFY, PROMOTE AND IMPLEMENT STRATEGIES THROUGHOUT NEW YORK
41 STATE TO PREVENT OCCUPATIONAL ILLNESSES AND INJURIES AND THEIR RELATED
42 MORTALITY AND DISABILITY.

43 S 2999-M-3. PREVENTION DATA ANALYSIS AND DISSEMINATION. THE
44 PREVENTION CENTERS WILL IDENTIFY, ACCESS AND ANALYZE ALL AVAILABLE
45 FEDERAL, STATE AND LOCAL GOVERNMENT COLLECTED OCCUPATIONAL HEALTH AND
46 HAZARD DATA RELEVANT TO NEW YORK STATE IN ORDER TO IDENTIFY OPPORTU-
47 NITIES TO IMPLEMENT PREVENTION STRATEGIES. THESE ANALYSES WILL FORM THE
48 BASIS FOR DEVELOPING PREVENTION PROJECTS WITH LABOR, BUSINESS, GOVERN-
49 MENT AND OTHER STAKEHOLDERS IN ORDER TO PREVENT OCCUPATIONAL INJURY AND
50 ILLNESSES.

51 S 2999-M-4. IMMIGRANT AND VULNERABLE WORK FORCE. THE PREVENTION
52 CENTERS WILL INVESTIGATE THE OCCUPATIONAL HEALTH AND HAZARDS TO IMMI-
53 GRANT WORKERS AND OTHER WORKERS WHO ARE ENGAGED IN TEMPORARY OR CONTIN-
54 GENT WORK IN NEW YORK STATE AND IDENTIFY OPPORTUNITIES IN EDUCATION,

1 RESEARCH, AND POLICY TO ADDRESS THOSE HAZARDS IN COLLABORATION WITH ALL
2 RELEVANT STAKEHOLDERS.

3 S 2999-M-5. SECONDARY PREVENTION OF OCCUPATIONAL DISEASES. IN VIEW OF
4 THE PREVENTION COMPONENTS REQUIRED OF HEALTH INSURANCE PLANS UNDER THE
5 AFFORDABLE CARE AND PATIENT PROTECTION ACT OF 2010, THE PREVENTION
6 CENTERS WILL EDUCATE, PROMOTE, AND ADVOCATE FOR THE EARLY DETECTION OF
7 OCCUPATIONAL ILLNESSES AND INJURIES THROUGH IMPROVED UTILIZATION OF
8 MANDATED PREVENTIVE SERVICES. IN COLLABORATION WITH THE OCCUPATIONAL
9 HEALTH CLINIC NETWORK AND OTHER RELEVANT PARTIES, THE PREVENTION CENTERS
10 WILL DEVELOP AND IMPLEMENT A STRATEGY TO IDENTIFY, NOTIFY, AND RECRUIT
11 WORKERS AT HIGH RISK OF LUNG CANCER DUE TO PAST EXPOSURES TO ASBESTOS,
12 SILICA, DIESEL EXHAUST, BERYLLIUM AND OTHER LUNG CARCINOGENS TO FACILI-
13 TATE THEIR PARTICIPATION IN LOW DOSE CT SCANNING PROGRAMS FOR LUNG
14 CANCER SCREENING IN NEW YORK STATE.

15 S 3. Section 2490 of the public health law, as amended by chapter 139
16 of the laws of 2008, is amended to read as follows:

17 S 2490. Oversight committee. 1. There is hereby established the occu-
18 pational health clinics AND PREVENTION CENTERS oversight committee to be
19 comprised of the following persons or their designees: the commissioner
20 of health; the commissioner of labor; the chairperson of the workers'
21 compensation board; six persons appointed by the governor, one of whom
22 shall be on nomination of the New York state American federation of
23 labor-congress of industrial organizations, and one of whom shall be on
24 the nomination of the business council of the state of New York; two
25 persons appointed by the temporary president of the senate; two persons
26 appointed by the speaker of the assembly; one person appointed by the
27 minority leader of the senate and one person appointed by the minority
28 leader of the assembly. The governor shall designate a chairperson from
29 among the members of the committee. The initial appointments shall be
30 made on or before September first, two thousand eight.

31 2. The committee shall meet at least four times a year. Special meet-
32 ings may be called by the chairperson.

33 3. Members of the oversight committee shall receive no compensation
34 for their services, but shall be allowed their actual and necessary
35 expenses incurred in the performance of their duties hereunder.

36 4. Vacancies shall be filled in the same manner as the original
37 appointments.

38 5. The committee shall make recommendations to the governor and the
39 legislature on or before [September thirtieth, two thousand nine,]
40 DECEMBER THIRTY-FIRST, TWO THOUSAND EIGHTEEN regarding:

41 (a) statewide needs to be met by the [network] PREVENTION CENTERS;

42 (b) coordination of clinic AND PREVENTION CENTER activities with not-
43 for-profit, private sector concerns and state agencies, including but
44 not limited to an evaluation of current jurisdictional and oversight
45 responsibilities;

46 (c) coordination and sharing of clinic resources and services;

47 (d) dissemination of research results and educational information;

48 (e) identification of funding sources for the PREVENTION CENTERS AND
49 THE network;

50 (f) the activities of the clinics AND PREVENTION CENTERS and their
51 effectiveness in meeting the objectives as set forth in statute and in
52 clinic specific contracts with the state;

53 (g) local, regional, occupation or business sector specific needs that
54 may be met by one or more clinic OR PREVENTION CENTER;

55 (h) other issues as determined by the oversight committee; and

1 (i) incorporation of provisions to implement its recommendations in
2 requests for applications of state funding for occupational health clin-
3 ics AND PREVENTION CENTERS.

4 S 4. Section 2490-a of the public health law, as added by chapter 139
5 of the laws of 2008, is amended to read as follows:

6 S 2490-a. Occupational health clinic AND PREVENTION CENTER advisory
7 committees. The chief executive officer of every clinic in the occupa-
8 tional health clinic network AND PREVENTION CENTER shall convene an
9 advisory committee consisting of two local representatives each of busi-
10 ness, labor unions, public health agencies and community groups which
11 shall be selected in consultation with the occupational health clinics
12 AND PREVENTION CENTERS oversight committee. The oversight committee will
13 assist in the development of policies, the creation and implementation
14 of a targeted outreach plan for working with business, unions and work-
15 ers, an assessment of clinic-specific funding needs and potential fund-
16 ing sources, and overall guidance for the clinics AND PREVENTION CENTERS
17 on an ongoing basis.

18 S 5. This act shall take effect on the thirtieth day following a first
19 appropriation for the prevention centers for a state fiscal year;
20 provided that the commissioner of health shall notify the legislative
21 bill drafting commission upon the occurrence of such appropriation in
22 order that the commission may maintain an accurate and timely effective
23 data base of the official text of the laws of the state of New York in
24 furtherance of effectuating the provisions of section 44 of the legisla-
25 tive law and section 70-b of the public officers law.