

STATE OF NEW YORK

2406--A

2019-2020 Regular Sessions

IN SENATE

January 24, 2019

Introduced by Sens. SERRANO, BAILEY, KRUEGER, MONTGOMERY, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to requiring cultural awareness and competence training for medical professionals

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The education law is amended by adding a new section 6505-d
2 to read as follows:

3 § 6505-d. Course work or training in cultural awareness and compe-
4 tence. 1. Every physician, physician assistant, dentist, registered
5 nurse, licensed practical nurse, podiatrist, optometrist and nurse prac-
6 titioner practicing in the state who provides direct medical services to
7 patients in this state shall, on or before July first, two thousand
8 twenty-one and every registration period thereafter, complete course
9 work or training regarding cultural awareness and competence in the
10 provision of medical services in accordance with regulated standards
11 promulgated by the department, in consultation with the department of
12 health. Such cultural awareness and competence course work or training
13 shall require two hours of course work or training encompassing minority
14 healthcare issues including ethnic, religious, linguistic, sexual orien-
15 tation and gender identity healthcare issues and their impact on minori-
16 ty healthcare. In promulgating regulatory standards pursuant to this
17 section the department is advised to consult with organizations repre-
18 sentative of professions, institutions and those with expertise in
19 cultural awareness and competence.

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

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1 2. As used in this section, "acceptable formal continuing education"
2 shall mean formal programs of learning which contribute to professional
3 practice and which meet the standards prescribed by regulations of the
4 commissioner. To fulfill the mandatory continuing education requirement,
5 programs must be taken from sponsors having the facilities, equipment,
6 and financial and physical resources to provide continuing education
7 courses, approved by the department, pursuant to the regulations of the
8 commissioner. Continuing education may be provided in an internet-based
9 course format as approved by the department.

10 3. Each such professional shall attest to the department at the time
11 of registration commencing with the first registration after July first,
12 two thousand twenty-one that the professional has completed course work
13 or training in accordance with this section.

14 4. The department shall provide an exemption from this requirement to
15 anyone who requests such an exemption and who: (i) clearly demonstrates
16 to the department's satisfaction that there would be no need for him or
17 her to complete such course work or training because of the nature of
18 his or her practice; (ii) has completed course work or training deemed
19 by the department to be equivalent to the course work or training
20 approved by the department pursuant to this section; (iii) has completed
21 course work or training pertaining to cultural awareness and competence
22 which has been incorporated as part of a risk management course offered
23 pursuant to subsection (e) of section two thousand three hundred forty-
24 three of the insurance law, provided that such educational content has
25 been approved by the superintendent of financial services; or (iv) is a
26 medical professional who is on a tour of extended active duty with the
27 armed forces of the United States.

28 5. At the beginning of each registration period, a mandatory continu-
29 ing education fee of five dollars shall be collected from all persons
30 required to complete the course work and training required by this
31 section; provided that any person obtaining an exemption pursuant to
32 subdivision four of this section shall not be required to pay such five
33 dollar fee. This fee shall be in addition to all other existing regis-
34 tration fees.

35 6. The commissioner is authorized to promulgate regulations to imple-
36 ment the provisions of this section.

37 Any person subject to the provisions of this section, who falsely
38 attests to having completed the required course work or training shall
39 be subject to professional misconduct as provided by subdivision twen-
40 ty-one of section sixty-five hundred thirty of this title and subdivi-
41 sion nine of section sixty-five hundred nine of this title.

42 § 2. Paragraph (f) of subdivision 1 of section 2805-k of the public
43 health law, as amended by chapter 477 of the laws of 2008, is amended
44 and a new subdivision 5 is added to read as follows:

45 (f) Documentation that the physician, dentist or podiatrist has
46 completed the course work or training as mandated by section two hundred
47 thirty-nine of this chapter or section [~~six thousand five~~] sixty-five
48 hundred five-b of the education law or section sixty-five hundred five-d
49 of the education law. A hospital or facility shall not grant or renew
50 professional privileges or association to a physician, dentist, or
51 podiatrist who has not completed such course work or training. A hospi-
52 tal or facility shall not knowingly grant or renew professional privi-
53 leges or association to anyone required to complete course work or
54 training unless said person has attested to having taken such required
55 course work or training.

1 5. Prior to hiring or otherwise granting privileges to a physician
2 assistant, registered nurse, licensed practical nurse or optometrist or
3 a hospital or facility approved pursuant to this article shall request
4 from such person documentation that he or she has completed the course
5 work or training as mandated by section sixty-five hundred five-d of the
6 education law. A hospital or facility shall not hire or otherwise grant
7 privileges to a physician assistant, registered nurse, licensed practi-
8 cal nurse or optometrist who has not completed such course work or
9 training.

10 § 3. This act shall take effect immediately.