

STATE OF NEW YORK

4159

2023-2024 Regular Sessions

IN ASSEMBLY

February 10, 2023

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

AN ACT to amend the education law and the public health law, in relation
to enacting the "Healthy Cardiac Monitoring Act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Healthy Cardiac Monitoring Act".

3 § 2. Section 305 of the education law is amended by adding a new
4 subdivision 60 to read as follows:

5 60. a. The commissioner, in conjunction with the commissioner of
6 health, shall promulgate and review, as necessary, rules and regulations
7 relating to annual physical examinations of students nineteen years of
8 age or younger. Each such examination shall be conducted by a physician,
9 physician assistant, or nurse practitioner and shall include questions
10 that evaluate such child's family history with respect to the cardiac
11 conditions contained in the "Preparticipation Physical Evaluation" (PPE)
12 form developed jointly by the American Academy of Family Physicians,
13 American Academy of Pediatrics, American College of Sports Medicine,
14 American Medical Society for Sports Medicine, American Orthopaedic Soci-
15 ety for Sports Medicine, and American Osteopathic Academy of Sports
16 Medicine and the American Heart Association's fourteen point screening
17 for heart disease in the young.

18 b. The commissioner and the commissioner of health shall develop a
19 statewide cardiac evaluation form for use in all such examinations which
20 shall, in addition to the questions contained in the PPE form, include
21 the following questions relating to the heart health history of the
22 child:

23 "(i) Have you ever fainted, passed out, or had an unexplained seizure
24 suddenly and without warning, especially during exercise or in response

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

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1 to sudden loud noises, such as doorbells, alarm clocks, or ringing tele-
2 phones?

3 (ii) Have you ever had exercise related chest pain or shortness of
4 breath?

5 (iii) Has anyone in your immediate family (parents, grandparents,
6 siblings) or other, more distant relatives (aunts, uncles, cousins) died
7 of heart problems or had an unexpected sudden death before age fifty?
8 This would include unexpected drownings, unexplained auto crashes in
9 which the relative was driving, or sudden infant death syndrome (SIDS).

10 (iv) Are you related to anyone with hypertrophic cardiomyopathy or
11 hypertrophic obstructive cardiomyopathy, Marfan syndrome, arrhythmogenic
12 cardiomyopathy, long QT syndrome, short QT syndrome, Brugada syndrome,
13 or catecholaminergic polymorphic ventricular tachycardia, Wolff-Parkin-
14 son-White syndrome or anyone younger than fifty years of age with a
15 pacemaker or implantable defibrillator?"

16 c. The commissioner and the commissioner of health shall develop a
17 course of instruction in childhood cardiac screening for all physicians,
18 physician assistants, or nurse practitioners who perform annual physical
19 examinations pursuant to this subdivision and article nineteen of this
20 chapter. Such course of instruction shall include a pamphlet published
21 by the department and the department of health containing the informa-
22 tion developed pursuant to section nine hundred twenty-three of this
23 chapter and subdivision thirty-one of section two hundred six of the
24 public health law. Such course of instruction shall be required to be
25 completed every four years by all physicians, physician assistants, or
26 nurse practitioners subject to the provisions of this subdivision. The
27 commissioner shall issue a certificate upon successful completion of
28 such course of instruction by such physician, physician assistant, or
29 nurse practitioner, who shall maintain such certificate for not less
30 than four years following completion of such course. Every physician,
31 physician assistant, and nurse practitioner subject to this subdivision
32 shall, in any application for renewal of such physician's, physician
33 assistant's, or nurse practitioner's professional license or certifi-
34 cation issued pursuant to this chapter, attest that such professional
35 has completed such course of instruction and read the pamphlet described
36 in this paragraph within the four-year period preceding such applica-
37 tion.

38 d. The regulations promulgated pursuant to this subdivision shall also
39 prohibit any student enrolled in any primary or secondary school from
40 participating in an athletic program, as defined in subdivision nine of
41 section thirty-two hundred eight-a of this chapter, unless such student
42 shall have undergone the physical examination required by this subdivi-
43 sion, including the additional questions relating to such student's
44 cardiac health history within the sixty days preceding the first prac-
45 tice of the applicable athletic season.

46 e. The pamphlet described in paragraph c of this subdivision shall be
47 distributed, at no charge, to all public school districts in the state
48 and shall be made available to all school districts in the state upon
49 request. Beginning in the first school year that commences after the
50 effective date of this subdivision, all school districts in receipt of
51 such pamphlet shall disseminate it to all parents or guardians of
52 students participating in athletic programs upon the completion of
53 athletic program permission forms and as part of the student's prepar-
54 ticipation physical examination. Such student and such student's parent
55 or guardian shall certify in writing that they received and reviewed

1 such pamphlet. Such pamphlet shall be updated by the commissioner and
2 the commissioner of health as necessary.

3 § 3. Subdivision 1 of section 903 of the education law, as amended by
4 chapter 183 of the laws of 2017, is amended to read as follows:

5 1. A health certificate shall be furnished by each student in the
6 public schools upon his or her entrance in such schools and upon his or
7 her entry into the grades prescribed by the commissioner in regulations,
8 provided that such regulations shall require such certificates [~~at least~~
9 ~~twice~~] annually during the elementary grades and [~~twice in the~~] second-
10 ary grades. An examination and health history of any child may be
11 required by the local school authorities at any time in their discretion
12 to promote the educational interests of such child. Each certificate
13 shall be signed by a duly licensed physician, physician assistant, or
14 nurse practitioner, who is authorized by law to practice in this state,
15 and consistent with subdivision three of section [~~six thousand nine~~
16 ~~sixty-nine~~] hundred two of this chapter, or by a duly licensed physician,
17 physician assistant, or nurse practitioner, who is authorized to prac-
18 tice in the jurisdiction in which the examination was given, provided
19 that the commissioner has determined that such jurisdiction has stand-
20 ards of licensure and practice comparable to those of New York. Each
21 such certificate shall describe the condition of the student when the
22 examination was made, which shall not be more than twelve months prior
23 to the commencement of the school year in which the examination is
24 required, and shall state whether such student is in a fit condition of
25 health to permit his or her attendance at the public schools. The exam-
26 ination may include a diabetes risk analysis. Each such certificate
27 shall also state the student's body mass index (BMI) and weight status
28 category. For purposes of this section, BMI is computed as the weight in
29 kilograms divided by the square of height in meters or the weight in
30 pounds divided by the square of height in inches multiplied by a conver-
31 sion factor of 703. Weight status categories for children and adoles-
32 cents shall be as defined by the commissioner of health. Each such
33 certificate shall also include an evaluation of the child's family
34 history with respect to cardiac conditions in accordance with the
35 provisions of subdivision sixty of section three hundred five of this
36 chapter and subdivision thirty-two of section two hundred six of the
37 public health law. In all school districts such physician, physician
38 assistant or nurse practitioner shall determine whether a one-time test
39 for sickle cell anemia is necessary or desirable and he or she shall
40 conduct such a test and the certificate shall state the results.

41 § 4. Subdivision 1 of section 904 of the education law, as amended by
42 section 12 of part B of chapter 58 of the laws of 2007, is amended to
43 read as follows:

44 1. Each principal of a public school, or his or her designee, shall
45 report to the director of school health services having jurisdiction
46 over such school, the names of all students who have not furnished
47 health certificates as provided in section nine hundred three of this
48 article, or who are children with disabilities, as defined by article
49 eighty-nine of this chapter, and the director of school health services
50 shall cause such students to be separately and carefully examined and
51 tested to ascertain whether any student has defective sight or hearing,
52 or any other physical disability which may tend to prevent him or her
53 from receiving the full benefit of school work, or from requiring a
54 modification of such work to prevent injury to the student or from
55 receiving the best educational results. Each examination shall also
56 include a calculation of the student's body mass index (BMI) and weight

1 status category. For purposes of this section, BMI is computed as the
2 weight in kilograms divided by the square of height in meters or the
3 weight in pounds divided by the square of height in inches multiplied by
4 a conversion factor of 703. Weight status categories for children and
5 adolescents shall be as defined by the commissioner of health. In all
6 school districts, such physician, physician assistant or nurse practi-
7 tioner shall determine whether a one-time test for sickle cell anemia is
8 necessary or desirable and he or she shall conduct such tests and the
9 certificate shall state the results. If it should be ascertained, upon
10 such test or examination, that any of such students have defective sight
11 or hearing, or other physical disability, including sickle cell anemia,
12 as above described, the principal or his or her designee shall notify
13 the parents of, or other persons in parental relation to, the child as
14 to the existence of such disability. If the parents or other persons in
15 parental relation are unable or unwilling to provide the necessary
16 relief and treatment for such students, such fact shall be reported by
17 the principal or his or her designee to the director of school health
18 services, whose duty it shall be to provide relief for such students.
19 Each school and school district chosen as part of an appropriate sampl-
20 ing methodology shall participate in surveys directed by the commis-
21 sioner of health pursuant to the public health law in relation to students'
22 BMI and weight status categories as determined by the examination
23 conducted pursuant to this section and which shall be subject to audit
24 by the commissioner of health. Such surveys shall contain the informa-
25 tion required pursuant to this subdivision in relation to students' BMI
26 and weight status categories in aggregate. Parents or other persons in
27 parental relation to a student may refuse to have the student's BMI and
28 weight status category included in such survey. Each school and school
29 district shall provide the commissioner of health with any information,
30 records and reports he or she may require for the purpose of such audit.
31 The BMI and weight status survey and audit as described in this section
32 shall be conducted consistent with confidentiality requirements imposed
33 by federal law. Data collection for such surveys shall commence on a
34 voluntary basis at the beginning of the two thousand seven academic
35 school year, and by all schools chosen as part of the sampling methodol-
36 ogy at the beginning of the two thousand eight academic school year. The
37 department shall also utilize the collected data to develop a report of
38 child obesity and obesity related diseases. Each examination shall also
39 include an evaluation of the child's family history with respect to
40 cardiac conditions in accordance with the provisions of subdivision
41 sixty of section three hundred five of this chapter and subdivision
42 thirty-two of section two hundred six of the public health law.

43 § 5. The education law is amended by adding a new section 925 to read
44 as follows:

45 § 925. Preparticipation physical examinations for participation in an
46 athletic program. No school shall allow any student to participate in an
47 athletic program, as defined in subdivision nine of section thirty-two
48 hundred eight-a of this chapter until such student receives an examina-
49 tion conducted by a physician, physician assistant, or nurse practition-
50 er and includes questions that evaluate such child's family history with
51 respect to the cardiac conditions contained in the "Preparticipation
52 Physical Evaluation" (PPE) form as described in subdivision sixty of
53 section three hundred five of this chapter. Such physical examination
54 shall be conducted by a physician, physician assistant, or nurse practi-
55 tioner within six weeks of the first day of official practice in the
56 applicable athletic season. No school shall permit a student to partic-

1 ipate in any athletic program unless it receives from such student a
2 completed PPE form signed by the physician, physician assistant, or
3 nurse practitioner who conducted such examination.

4 § 6. The education law is amended by adding a new section 6541-a to
5 read as follows:

6 § 6541-a. Childhood cardiac screening requirements. 1. To qualify for
7 a license as a physician assistant, if such person will be performing
8 annual physical examinations of children nineteen years of age or young-
9 er, including examinations prior to a student's participation in a
10 school and/or community-based organization sponsored interscholastic or
11 intramural athletic team or squad, such person shall complete a child-
12 hood cardiac screening professional development module as established
13 pursuant to paragraph c of subdivision sixty of section three hundred
14 five of this chapter.

15 2. Every person who completes the childhood cardiac screening profes-
16 sional development module as required by subdivision one of this section
17 shall retain on file at their place of employment a hard copy certifi-
18 cate of completion of such module. Such certificate shall be made
19 available upon request.

20 3. Upon every request for renewal, the licensee shall attest to
21 completing the childhood cardiac screening professional development
22 module within the past four years.

23 4. Any person who is required under subdivision one of this section to
24 fulfill the requirements of this section who is found to have not
25 completed such requirements, or who is found to have falsely certified
26 their completion of the requirements of this section shall be found
27 guilty of professional misconduct pursuant to article one hundred thir-
28 ty-one-A of this title and shall receive a penalty in accordance with
29 section sixty-five hundred eleven of this title.

30 § 7. The education law is amended by adding a new section 6524-a to
31 read as follows:

32 § 6524-a. Childhood cardiac screening requirements. 1. To qualify for
33 a license as a physician, if such person will be performing annual phys-
34 ical examinations of children nineteen years of age or younger, includ-
35 ing examinations prior to a student's participation in a school and/or
36 community-based organization sponsored interscholastic or intramural
37 athletic team or squad, such person shall complete a childhood cardiac
38 screening professional development module as established pursuant to
39 paragraph c of subdivision sixty of section three hundred five of this
40 chapter.

41 2. Every person who completes the childhood cardiac screening profes-
42 sional development module as required by subdivision one of this section
43 shall retain on file at their place of employment a hard copy certifi-
44 cate of completion of such module. Such certificate shall be made
45 available upon request.

46 3. Upon every request for renewal, the licensee shall attest to
47 completing the childhood cardiac screening professional development
48 module within the past four years.

49 4. Any person who is required under subdivision one of this section to
50 fulfill the requirements of this section who is found to have not
51 completed such requirements, or who is found to have falsely certified
52 their completion of the requirements of this section shall be found
53 guilty of professional misconduct pursuant to article one hundred thir-
54 ty-one-A of this title and shall receive a penalty in accordance with
55 section sixty-five hundred eleven of this title.

1 § 8. The education law is amended by adding a new section 6910-a to
2 read as follows:

3 § 6910-a. Childhood cardiac screening requirements. 1. To qualify for
4 a license as a nurse practitioner, if such person will be performing
5 annual physical examinations of children nineteen years of age or young-
6 er, including examinations prior to a student's participation in a
7 school and/or community-based organization sponsored interscholastic or
8 intramural athletic team or squad, such person shall complete a child-
9 hood cardiac screening professional development module as established
10 pursuant to paragraph c of subdivision sixty of section three hundred
11 five of this chapter.

12 2. Every person who completes the childhood cardiac screening profes-
13 sional development module as required by subdivision one of this section
14 shall retain on file at their place of employment a hard copy certif-
15 icate of completion of such module. Such certificate shall be made
16 available upon request.

17 3. Upon every request for renewal, the licensee shall attest to
18 completing the childhood cardiac screening professional development
19 module within the past four years.

20 4. Any person who is required under subdivision one of this section to
21 fulfill the requirements of this section who is found to have not
22 completed such requirements, or who is found to have falsely certified
23 their completion of the requirements of this section shall be found
24 guilty of professional misconduct pursuant to article one hundred thir-
25 ty-one-A of this title and shall receive a penalty in accordance with
26 section sixty-five hundred eleven of this title.

27 § 9. Section 206 of the public health law is amended by adding a new
28 subdivision 32 to read as follows:

29 32. (a) The commissioner, in conjunction with the commissioner of
30 education, shall promulgate rules and regulations to effectuate the
31 provisions described in subdivision sixty of section three hundred five
32 of the education law.

33 (b) When creating the pamphlet described in paragraph c of subdivision
34 sixty of section three hundred five of the education law, the commis-
35 sioner shall provide the commissioner of education with the following
36 information which shall be included within such pamphlet:

37 (i) an explanation of sudden cardiac arrest and its incidence;
38 (ii) a description of early warning signs of sudden cardiac arrest;
39 and
40 (iii) an overview of the options that are privately available to
41 screen for cardiac conditions that may lead to sudden cardiac arrest,
42 including a statement about the limitations of such options.

43 § 10. This act shall take effect on the first of July next succeeding
44 the date on which it shall have become a law. Effective immediately, the
45 addition, amendment and/or repeal of any rule or regulation necessary
46 for the implementation of this act on its effective date are authorized
47 to be made and completed on or before such effective date.