STATE OF NEW YORK

6895--A

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. SEAWRIGHT -- read once and referred to the Committee on People with Disabilities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the insurance law, in relation to a premium reduction for physicians who complete a risk management strategies course relating to emergency department visits for individuals with a developmental or intellectual disability

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

Section 1. Section 2828 of the public health law, as added by chapter 689 of the laws of 2021, is renumbered section 2831 and a new section 2832 is added to read as follows:

§ 2832. Individuals with disabilities training strategies. 1. In order to improve patient safety and outcomes, minimize health inequity, build the capacity of staff to understand the needs of individuals with intellectual and developmental disabilities and to promote informed consultation by patients with their physicians, nurses and other staff during visits to an emergency department in a general hospital, the commissioner, in consultation with the office for people with developmental disabilities, shall approve professional education courses for eligible physicians, nurses and other staff as provided in subdivision four of this section, that covers risk management strategies in emergency department visits for individuals with a developmental or intellectual disability as such term is defined in section 1.03 of the mental hygiene law, as described in subdivision two of this section. Such risk management strategies courses shall be subject to such standards as the commissioner, in consultation with the office for people with developmental disabilities, may prescribe by regulation. An eligible physician, nurse or other staff who successfully completes such risk management

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

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strategies course pursuant to this section shall receive continuing medical education credit and a certificate of completion.

2. Courses on risk management strategies during emergency visits by those with a developmental or intellectual disability shall promote evidence-based clinical guidelines and patient safety protocols, with an emphasis on perspectives from those with a developmental or intellectual disability. Options for courses should be appropriate for the respective profession and may include information and education addressing risks associated with emergency visits by individuals with a developmental or intellectual disability. Course options shall be determined by the commissioner in consultation with the office for people with developmental disabilities.

3. Attendance at any course approved by the commissioner pursuant to this section shall be in person.

4. Physicians who are board certified, nurses and other staff from an emergency department in a general hospital shall be eligible for a disabilities risk management strategies course.

5. The commissioner, in consultation with the office for people with developmental disabilities, shall be authorized to prescribe any rules and regulations necessary to implement this section. In prescribing such rules and regulations, the commissioner shall consider the rules and regulations promulgated by the superintendent of financial services pursuant to subsection (e) of section two thousand three hundred forty-three of the insurance law and may consult with the superintendent of financial services.

§ 2. Subsection (e) of section 2343 of the insurance law, as added by chapter 642 of the laws of 1990, is amended and a new subsection (f) is added to read as follows:

(e) The superintendent may approve an appropriate premium reduction for: (1) an insured physician who successfully completes a risk management course; or (2) an insured physician who successfully completes a course authorized by the commissioner of health pursuant to section twenty-eight hundred thirty-two of the public health law, which must be approved by the superintendent subject to such standards as the superintendent may prescribe by regulation. In prescribing such regulation the superintendent may consult with the commissioner of health.

(f) An insured physician who successfully completes a course authorized by the commissioner of health under section twenty-eight hundred thirty-two of the public health law shall not, during the period set forth in the superintendent's regulations prescribing standards for the premium reduction, also be eligible for additional premium reduction for an insured physician medical malpractice insurance policy for successful completion of a risk management course approved by the superintendent under part one hundred fifty-two of title eleven of the New York code of rules and regulations.

§ 3. This act shall take effect one year after it shall have become a law and shall apply to all insurance policies and contracts issued, renewed, modified or altered on and after such effective date. The commissioner of health and the superintendent of financial services are authorized to adopt, amend, suspend or repeal regulations and take other actions necessary for the implementation of this act prior to such effective date; provided, however, that such adoption, amendment, suspension or repeal of regulations shall not have legal effect until this act takes effect.