

# STATE OF NEW YORK

6895--B

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 -- recommitted to the Committee on People with Disabilities in accordance with Assembly Rule 3, sec. 2 -- 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:

1 Section 1. Section 2828 of the public health law, as added by chapter  
2 689 of the laws of 2021, is renumbered section 2831 and a new section  
3 2832 is added to read as follows:

4 § 2832. Individuals with disabilities training strategies. 1. In order  
5 to improve patient safety and outcomes, minimize health inequity, build  
6 the capacity of staff to understand the needs of individuals with intel-  
7 lectual and developmental disabilities and to promote informed consulta-  
8 tion by patients with their physicians, nurses and other staff during  
9 visits to an emergency department in a general hospital, the commission-  
10 er, in consultation with the office for people with developmental disa-  
11 bilities, shall approve courses for eligible physicians, nurses and  
12 other staff as provided in subdivision four of this section, that covers  
13 risk management strategies in emergency department visits for individ-  
14 uals with a developmental or intellectual disability as such term is  
15 defined in section 1.03 of the mental hygiene law, as described in  
16 subdivision two of this section. Such risk management strategies courses  
17 shall be subject to such standards as the commissioner, in consultation

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

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1 with the office for people with developmental disabilities, may  
2 prescribe by regulation.

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

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

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

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

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

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

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

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