A9828-A Cruz Same as S 1352 SERRANO
Education Law
TITLE. Requires cultural awareness and competence training for medical professionals
04/19/22 referred to higher education
04/25/22 amend and recommit to higher education
04/25/22 print number 9828a

CRUZ
Add §6505-d, Ed L; amd §2805-k, Pub Health L
Requires cultural awareness and competence training for medical professionals, including two hours of course work encompassing minority healthcare issues.
STATE OF NEW YORK

IN ASSEMBLY

April 19, 2022

Introduced by M. Of. A. CRUZ -- read once and referred to the Committee on Higher Education -- 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:

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

§ 6505-d. Course work or training in cultural awareness and competence. 1. Every physician, physician assistant, dentist, registered nurse, licensed practical nurse, podiatrist, optometrist and nurse practitioner practicing in the state who provides direct medical services to patients in this state shall, on or before July first, two thousand twenty-two and every registration period thereafter, complete course work or training regarding cultural awareness and competence in the provision of medical services in accordance with regulated standards promulgated by the department, in consultation with the department of health. Such cultural awareness and competence course work or training shall require two hours of course work or training encompassing minority healthcare issues including ethnic, religious, linguistic, sexual orientation and gender identity healthcare issues and their impact on minority healthcare. In promulgating regulatory standards pursuant to this section the department is advised to consult with organizations representative of professions, institutions and those with expertise in cultural awareness and competence.

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

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

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

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

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

6. The commissioner is authorized to promulgate regulations to implement the provisions of this section.

Any person subject to the provisions of this section, who falsely attests to having completed the required course work or training shall be subject to professional misconduct as provided by subdivision twenty-one of section sixty-five hundred thirty of this title and subdivision nine of section sixty-five hundred nine of this title.

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

(f) Documentation that the physician, dentist or podiatrist has completed the course work or training as mandated by section two hundred thirty-nine of this chapter or section [six thousand five] sixty-five hundred five-b of the education law or section sixty-five hundred five-d of the education law. A hospital or facility shall not grant or renew professional privileges or association to a physician, dentist, or podiatrist who has not completed such course work or training. A hospital or facility shall not knowingly grant or renew professional privileges or association to anyone required to complete course work or training unless said person has attested to having taken such required course work or training.

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

§ 3. This act shall take effect immediately.
BILL NUMBER: A9828A

SPONSOR: Cruz

TITLE OF BILL:
An act to amend the education law and the public health law, in relation to requiring cultural awareness and competence training for medical professionals

PURPOSE OR GENERAL IDEA OF BILL:
This bill will create a system of cultural competency course work and training that will help healthcare professionals improve their interactions with minority patients. In doing so, this bill seeks to improve the quality of healthcare in the State of New York.

SUMMARY OF SPECIFIC PROVISIONS:
Add section 6505-d to the Education Law to establish training in cultural awareness and competence for medical professionals.

Section 1:
1) Lists medical professionals subject and establishes the content and requirements for cultural competency training and course work.
2) Defines "acceptable formal continuing education".
3) Establishes reporting requirements by medical professionals.
4) Provides exemptions from cultural competency course work and training.
5) Establishes a fee of five dollars.
6) Allows the commissioner to promulgate such rules as requires to establish this program successfully, and guards against false reporting from professionals.

Section 2:
f) Establishes that hospitals and other health care facilities shall not knowingly provide employment to individuals that have not completed the necessary course work and training.

JUSTIFICATION:
New York State is one of the most diverse states in the nation, with large populations of historically marginalized groups. Often members of
these minority groups face detrimental conditions with respect to their physical and mental well-being. Disparities in access to quality health care are one major component of the discrepancies in general health. This bill seeks to close the gap by ensuring that medical professionals that serve minority populations are able to provide culturally sensitive care. By promoting and funding culturally and linguistically sensitive practices by healthcare professionals, the legislature can help to enhance the quality of health care services in underserved communities. This legislation will play a crucial role in ending statewide health disparities among minority populations.

PRIOR LEGISLATIVE HISTORY:

2008: S.7270 Serrano -.Referred to Higher Education

2009/2010: Senate Reported and Committed to codes. Assembly Referred to Higher Education.

2011-2012; S.2743A

2013-2014: A.9689

2016 A00770/S954-A referred to higher education 2017/18 A626. - referred to Higher Education

2021 - A.4515 - referred to Higher Education

FISCAL IMPLICATIONS:

No immediate costs to the state. The possibility exists for long term savings in health care costs as minority populations receive better preventative care.

EFFECTIVE DATE:
This act shall take effect immediately.