

# New York State Assembly | Sheldon Silver, Speaker



committee on  
**Health**

Richard N. Gottfried, Chair



# NEW YORK STATE ASSEMBLY

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CHAIR  
COMMITTEE ON HEALTH

COMMITTEES:  
RULES  
HEALTH  
HIGHER EDUCATION  
MAJORITY STEERING

CHAIR  
MANHATTAN DELEGATION

December 15, 2009

Sheldon Silver  
Speaker of the Assembly  
Legislative Office Building, Room 932  
Albany, New York 12248

Dear Speaker Silver:

I am pleased to submit the 2009 Annual Report of the Assembly Committee on Health. This year the Committee was successful in securing the passage of a host of measures to improve and ensure consistent, quality health care throughout New York State.

On behalf of myself and the other members of the Committee, I thank you for your leadership, support and encouragement throughout the Legislative Session.

Very truly yours,

A handwritten signature in black ink that reads "Richard N. Gottfried".

Richard N. Gottfried  
Chair  
Committee on Health

**NEW YORK STATE ASSEMBLY  
SHELDON SILVER, SPEAKER**

**RICHARD N. GOTTFRIED, CHAIR  
STANDING COMMITTEE ON HEALTH**

**2009 ANNUAL REPORT**

**Health Committee Members**

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Steven Cymbrowitz  
Jeffrey Dinowitz  
Patricia Eddington  
Sandy Galef  
Richard N. Gottfried, Chair  
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Andrew Hevesi  
Rhoda Jacobs  
Charles D. Lavine  
William B. Magnarelli  
Nettie Mayersohn  
Amy Paulin  
Crystal D. Peoples  
Naomi Rivera  
Linda B. Rosenthal  
Robin Schimminger  
Darryl C. Towns

**Minority**

Jim Bacalles, Ranking Minority Member  
James D. Conte  
Joel M. Miller  
David G. McDonough  
Jack Quinn  
Andrew P. Raia  
Lou Tobacco

**Health Committee Staff**

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Monica Miller, Legislative Associate  
Elizabeth Hamlin, Legislative Associate  
Helen Dong, Committee Clerk  
Linda Dawes, Executive Assistant  
Barbara Riley, Administrative Assistant

**Program and Counsel Staff**

Louann Ciccone, Assistant Secretary for Program and Policy  
Estibaliz Alonso, Senior Legislative Analyst  
Virginia Curtis, Legislative Analyst  
Brian Stettin, Committee Counsel  
Molly McDonald, Secretary

## **Table of Contents**

<b><u>Section</u></b>	<b><u>Page Number</u></b>
1. Summary Sheet	1
2. Final Action on Bills Reported by the Committee on Health in 2009	2
3. Public Hearings and Roundtable Meetings of 2009	18

## 2009 SUMMARY SHEET

### SUMMARY OF ACTION ON ALL BILLS REFERRED TO THE COMMITTEE ON HEALTH

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b><u>BILLS REPORTED WITH OR WITHOUT AMENDMENT</u></b>			
TO FLOOR; NOT RETURNING TO COMMITTEE	49	0	49
TO WAYS AND MEANS	55	0	55
TO CODES	49	0	49
TO RULES	5	0	5
TO JUDICIARY	0	0	0
<b>TOTAL</b>	<b>158</b>	<b>0</b>	<b>158</b>
<b><u>BILLS HAVING COMMITTEE REFERENCE CHANGED</u></b>			
TO LOCAL GOVERNMENTS	1	0	1
TO HIGHER EDUCATION	1	0	1
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b><u>SENATE BILLS SUBSTITUTED OR RECALLED</u></b>			
SUBSTITUTED		1	1
RECALLED		0	0
<b>TOTAL</b>		<b>1</b>	<b>1</b>
<b><u>BILLS DEFEATED IN COMMITTEE</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b><u>BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE</u></b>	<b>19</b>	<b>0</b>	<b>19</b>
<b><u>BILLS NOT REPORTED, HELD IN COMMITTEE</u></b>	<b>268</b>	<b>3</b>	<b>271</b>
<b><u>BILLS HAVING ENACTING CLAUSE STRICKEN</u></b>	<b>11</b>	<b>0</b>	<b>11</b>
<b><u>MOTIONS TO DISCHARGE LOST</u></b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL BILLS IN COMMITTEE</b>	<b>458</b>	<b>4</b>	<b>462</b>
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>		<b>16</b>	

**FINAL ACTION ON BILLS REPORTED BY THE  
COMMITTEE ON HEALTH IN 2009**

**Important Note:** The “Descriptions” in this section should not be relied on or used for any purpose other than to indicate generally the subject matter of the bill.

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.284 Greene S.2847 Savino	Create an education and outreach program for the autoimmune disease known as lupus.	Enacting Clause Stricken
A.301 Millman S.3840 Duane	Provide for a utilization review protocol for the treatment of rare diseases.	Passed Assembly
A.412 Kavanagh S.5169 Parker	Prohibit the display of human remains for commercial purposes without a permit from the Department of Health.	Referred to Codes
A.432 Kavanagh S.2087 Parker	Increase the penalty for purchasing or receiving a dead human body or any part thereof (except for the purpose of burial) from a misdemeanor to a Class E Felony.	Referred to Codes
A.541 Dinowitz	Require the Commissioner of Health to take action when areas of lead poisoning have been designated.	Passed Assembly
A.544 Hoyt S.5591 Duane	Restrict retail sale of ipecac syrup to behind the pharmacy counter or under manager control.	Passed Assembly
A.627 Paulin S.1410 Schneiderman	Authorize dispensing of emergency contraception under certain circumstances and conditions.	Calendar 351
A.633 Dinowitz S.4059 Schneiderman	Extend the period during which health maintenance organization enrollees may continue to receive services from a health care provider who disaffiliates.	Passed Assembly
A.668 Magnarelli	Establish mandatory reporting of alleged incidents of abuse, mistreatment or neglect of residents in adult care facilities.	Referred to Codes
A.722-A Galef	Increase the legal age to purchase tobacco products from eighteen to nineteen years of age.	Referred to Codes
A.723 Gottfried S.3450 Oppenheimer	Amend the definition of “clinical peer reviewer” to require that such physician be board certified or board eligible in the same or similar specialty as the physician who typically recommends the treatment or manages the condition under review.	Passed Assembly
A.724 Gottfried S.3841 Duane	Extend patient protections for situations wherein a patient's lawsuit is initiated or executed by a legal representative against a nursing home because the patient is unable to act on their own behalf.	Chapter 60

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.725 Gottfried	Extend a nursing home patient's right to recover damages in any action to the patient's legal representative or estate.	Passed Assembly
A.726 Gottfried S.4112 Klein	Relate to certain prohibitions in contracts or agreements by health maintenance organizations.	Passed Assembly
A.728 Gottfried	Ensure that a patient's health care provider is involved in the external appeals process and repeal provisions of the Public Health and Insurance Law allowing a health care plan to charge an insured fees for appeals.	Passed Assembly
A.729 Gottfried S.3909 Duane	Provide that where an external appeal is denied on grounds of medical necessity, the insured shall have the opportunity to demonstrate that the proposed health care procedure is likely to be more beneficial than any standard treatment or procedure.	Passed Assembly
A.730 Gottfried S.3834 Duane	Exempt damages that have been awarded to nursing home patients or to their representative or estate from collection by Medicaid.	Veto Memo 7
A.733 Gottfried	Provide Medicaid reimbursement for interpretation services in hospital inpatient, outpatient, emergency department settings, and diagnostic and treatment centers.	Referred to Ways and Means
A.734 Gottfried S.4060 Montgomery	Provide access to covered services to school-based health centers for Child Health Plus eligible children and authorizes the Commissioner of Health to contract with school-based health centers for the provision of education and outreach to facilitate the enrollment of children in the Medicaid and Child Health Plus programs.	Passed Assembly
A.756 Paulin S.4986 Foley	Adjust Medicaid rates for personal care service providers located within a county or a city with a population of over one million that has enacted a local living wage law.	Referred to Ways and Means
A.763 Gottfried S.3907 Duane	Make certain clarifications regarding a patient's private right of action against residential health care facilities.	Chapter 61
A.764 Gottfried S.3905 Duane	Require the Commissioner of Health and the Superintendent of Insurance to adopt a universal application form for participation in a health care provider network and for renewal of credentials to be used by managed health care plans.	Passed Assembly
A.775-A Paulin S.4645-A Montgomery	Require the Commissioner of Health to administer a program of influenza education to the families of children ages six months to eighteen years of age through school settings.	Passed Assembly

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.777-A Paulin S.4496 Duane	Prohibit the sale of flavored cigarettes, except for regular, menthol or clove flavors.	Passed Assembly
A.789-B Gunther S.1107-A Krueger	Provide mothers with breastfeeding related rights, including information for women about the benefits of breastfeeding.	Chapter 292
A.792 Gottfried	Require utilization review agents to consider certain factors when determining whether to deny reimbursement for emergency services.	Passed Assembly
A.805 Paulin	Establish a forensic fellowship program for the education and training in child abuse pediatrics.	Referred to Ways and Means
A.806-A Paulin S.4497 Duane	Require manufacturers of cigarettes, snuff, or chewing tobacco to disclose to the Department of Health, chemical additives, nicotine yield ratings, the identification and weight of toxic additives in whole tobacco.	Passed Assembly
A.876-A Gottfried S.3911-A Duane	Require a general hospital with a neonatal intensive care unit to offer to every parent, person in parental relation, or person reasonably anticipated to be a caregiver in the household of a newborn being treated in such neonatal intensive care unit a vaccination against influenza virus.	Chapter 282
A.877 Gottfried	Clarify the definition of operational authority over a hospital and require the public health council to review any amendments to a hospital's mission statement to determine the impact on the availability of health care services.	Calendar 13
A.879 Gottfried	Authorize the Commissioner of Health to develop and administer training programs for coroners, coroners' physicians and medical examiners.	Passed Assembly
A.880 Gottfried S.2339 Padavan	Expand the medical exemption from mandatory immunizations for students.	Calendar 14
A.881-B Gottfried S.5001 Duane	Make technical changes to the Disposition of Human Remains Law, which establishes the hierarchy of individuals responsible for the disposition of a decedent's remains.	Passed Assembly
A.883 Gottfried S.2338 Padavan	Exempt a child from immunization requirements if the parent(s) file an affidavit stating that they hold genuine and sincere religious beliefs which are contrary to the practice of vaccination, without having to elaborate or specify those beliefs.	Calendar 15



<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.884 Gottfried S.3835 Duane	Require Medicare Part D co-payments for dual-eligible recipients to be paid by Medicaid when a recipient's total annual Medicaid and Medicare Part D co-payments have reached \$200 dollars; and exempt coverage for such payments from Medicaid prior authorization.	Referred to Ways and Means
A.885 Gottfried	Require health care practitioners that are licensed, certified or registered under the Education Law to comply with non-hospital orders not to resuscitate.	Passed Assembly
A.903 Gottfried S.3842 Duane	Require the Department of Health to annually review and to approve any policy or practice of medical facilities within the Department of Correctional Services and within local correctional facilities regarding the prevention of transmission and the treatment of HIV, AIDS and hepatitis C.	Chapter 419
A.904-A Gottfried S.3910-A Duane	Set forth an order of priority for organ donation, including the person designated as the decedent's health care agent subject to a health proxy form, the person designated as the decedent's agent per a written statement and the domestic partner.	Chapter 348
A.1135 Dinowitz	Require the Commissioner of Health to establish a program for familial dysautonomia and Tay-Sachs disease screening and counseling, and allows the provision of grants for such program.	Passed Assembly
A.1137 Galef S.5005 Duane	Prohibit individuals from smoking at any playground.	Passed Assembly
A.1138 Gottfried S.4529 Krueger	Authorize the provision of certain optometric services by the SUNY College of Optometry to Medicaid recipients.	Passed Assembly
A.1311 Schimel	Authorize the immunization against hepatitis B of minors capable of consent who are housed in a local or state correctional facility.	Passed Assembly
A.1381 Rabbitt	Allow attending physicians to admit persons arriving at the hospital for emergency treatment when such attending physician deems this necessary for care.	Held for Consideration in Health
A.1475 Wright S.2878 Bonacic	Require the Office of Minority Health to establish a program of data collection for the assessment of health and health care of minorities in New York State.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.1581 Englebright S.2605 Flanagan	Authorize funding of mapping incidence of breast cancer from the Breast Cancer Research and Education Fund; and requires commercial pesticide applicators and sellers of restricted use pesticides to file their reports in electronic format or on scannable forms.	Passed Assembly
A.1582 Englebright	Require the Commissioners of Health and General Services to promulgate standards for the procurement and use of environmentally sensitive commodities and services for hospitals.	Referred to Ways and Means
A.1586 Englebright	Provide farm workers additional protections from pesticides.	Referred to Ways and Means
A.1594 Englebright	Require all hospitals to have pest management plans for pest control activities; requires the use of professional pesticide applicators, an annual evaluation of the implementation of the plan and notice of pesticide application.	Passed Assembly
A.1596 Gottfried S.2821 Hannon	Prohibit disclosure of testimony of a party to a health care quality assurance or peer review proceeding.	Referred to Codes
A.1670 Englebright	Require every hospital engaging in the construction of, addition to or remodeling of a building to submit to the Commissioner of Health the plans and specifications of such building relating to heating, ventilation and air conditioning, air intake, pest prevention, radon levels, lighting, sanitation and drainage.	Referred to Ways and Means
A.1673 Gottfried	Require a health care provider to disclose to a patient any occurrence of medical error during the course of treatment and prohibits health care providers from being liable for failure to disclose a presence of error if the health care provider reasonably believes that such disclosure has already been made by another health care provider.	Referred to Codes
A.1668 Englebright	Require licensed or certified health care practitioners acting within the lawful scope of their practice to report confirmed or suspected cases of pesticide poisoning.	Referred to Rules
A.1718 Gottfried	Establish an Advisory Council on Nursing Home Staffing within the Department of Health to make recommendations regarding nursing home staffing standards.	Referred to Ways and Means
A.1719-A Gottfried S.2947-A Hannon	Authorize nurse practitioners to issue orders not to resuscitate.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.1721 Gottfried S.3844 Duane	Require diversion of new admissions to nursing homes when they are unable to maintain safe and appropriate standards.	Referred to Ways and Means
A.1723 Gottfried S.317 Maziarz	Require the Commissioner of Health to promulgate rules and regulations requiring new construction or major renovation of hospitals and nursing homes to include designs and construction elements to support the installation and proper use of ceiling lifts.	Passed Assembly
A.1724 Gottfried S.3906 Duane	Require incident reporting by home care services agencies, hospitals, and adult care facilities.	Passed Assembly
A.1728 Gottfried S.4494 Duane	Authorize a physician assistant, acting under the supervision of a physician, to sign death certificates in like manner as physicians.	Passed Assembly
A.1729 Gottfried S.5002 Duane	Prohibit hospitals from denying staff membership or professional privileges to psychologists without cause.	Passed Assembly
A.1742 Englebright S.329 Breslin	Prohibit child care, daycare and head start centers from being in proximity to hazardous or toxic environmental pollutants and require such centers to maintain proper heating, ventilation and air conditioning systems.	Passed Assembly
A.1745 Englebright	Require the Department of Health to monitor lead levels in all candy sold or distributed in the state, in soft vinyl lunch boxes, bibs and to conduct public information programs on the hazards of lead.	Referred to Codes
A.1747 Gottfried S.3344 Duane	Include health care facilities operated or supervised by the department of correctional services or local correctional facilities within the definition of hospital.	Calendar 647
A.1750 Gottfried	Establish procedures for public notice and consideration of potential sites for hospice residences.	Passed Assembly
A.1752-A Gottfried S.3527 Duane	Enact the "Nursing Care Quality Protection Act" to provide information to the public regarding nurse staffing levels and requiring facilities to disclose nursing quality indicators.	Chapter 422
A.1766-A Morelle S3198-A Valesky	Establish a statewide telemedicine/telehealth task force to study and report to the Governor and the Legislature on telemedicine and telehealth systems.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.1805 Gottfried S.4492 Duane	Establish a clinical trial access and education fund within the Department of Health to provide certain services to patients with life-threatening or disabling conditions or diseases, in order to facilitate access to or education on clinical trials of treatments for the patient's condition or disease.	Passed Assembly
A.1806-A Gottfried S.3836 Duane	Establish an age-appropriate sex education grant program within the Department of Health for school districts, boards of cooperative educational services, school-based health centers, and community-based organizations to assist them in conducting education programs aimed at preventing unwanted pregnancies and occurrences of sexually transmitted diseases among youth.	Passed Assembly
A.1807 Gottfried S.2553 Klein	Exclude certain costs reported and allocable as administrative and general from the statewide average calculation of reimbursable rates of payment for long term home health care programs.	Committed to Ways and Means
A.1833 Dinowitz S.2324 Padavan	Add clarifying language to make it unlawful to ship cigarettes to persons who present themselves as government employees, unless the person engaged in the business of selling cigarettes to ship or cause to be shipped knows that the government employee is acting within his or her official duties.	Passed Assembly
A.2007-B Gottfried S.121-A Sampson	Establish a prescription drug discount program to provide affordable prescriptions to New York State residents.	Passed Assembly
A.2008-A Gottfried S.3930 Duane	Establish a fiduciary relationship between pharmacy benefit managers and health plans or providers.	Passed Assembly
A.2076 Lupardo S.5623 Oppenheimer	Require the state, or state agencies that own, lease or operate a building to develop and maintain an indoor air quality plan.	Passed Assembly
A.2189 Ball S.1235 Thompson	Provide that any person who was an Army medic, Navy field medical service technician or Air Force pararescue shall be deemed to be qualified to be an EMT.	Held for Consideration in Health
A.2263 Gottfried S.4499 Duane	Provide immunity from criminal liability and professional discipline to health care professionals for prescribing and administering pain medication, when they act within accepted professional standards.	Passed Assembly
A.2264 Gottfried S.3843 Duane	Require the Commissioner of Health to establish a committee to advise in the development of regulations on staffing plans for acute care facilities.	Referred to Ways and Means

<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.2267 Lupardo S.5278 Squadron	Require the Department of Health to prescribe a maximum indoor air contaminant level for trichloroethylene (TCE), in order to minimize health risks associated with TCE exposure.	Calendar 602
A.2331 Reilich S.1418 Maziarz	Provide the Department of Health with access to criminal history records of prospective and current maintenance employees of adult residential health and assisted living facilities.	Held for Consideration in Health
A.2354 Gottfried	Provide for the use of funds allocated for emergency response training and programs.	Referred to Ways and Means
A.2358 Gottfried S.6103 Parker	Authorize the Commissioner of Health to create grants to be used to help pay for the costs of conducting local blood drives.	Passed Assembly
A.2359-A McEneny	Require school districts to conduct annual lead-copper tap water testing and requires the Commissioner of Health, in conjunction with the Commissioner of Education, to publish a report based on the findings of such testing.	Passed Assembly
A.2702 Fitzpatrick	Create a public umbilical cord blood banking program.	Held for Consideration in Health
A.2706 Gantt	Require the Public Health Council to review past violations of state or federal rules, regulations or statutes relating to labor transgressions when considering applications for licensure of a health care facility.	Calendar 441
A.2707 Gantt	Require the Commission of Health to establish a 13 member task force on medical record confidentiality to review issues related to the disposition or transference of records when a practitioner closes, sells, or disposes of his or her practice.	Passed Assembly
A.2720-A Ortiz	Require the posting of caloric information on menus or menu boards by restaurants and food establishments.	Passed Assembly
A.2834 Kolb	Reduces the cost of review and copying of vital records for genealogical purposes.	Held for Consideration in Health
A.2857 Weinstein	Prohibit residential health care facilities from restricting access to the facility by family members, guardians, friends, legal representatives, or representatives of community organizations who provide assistance in resolving patient problems and complaints concerning care and treatment, subject to the patient's wishes.	Calendar 102

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.3074 Clark	Increase penalties for failure to correct or discontinue conditions conducive to lead poisoning in an area designated by the Commissioner of Health as high risk, from \$2,500 to up to \$5,000.	Passed Assembly
A.3075 Cusick S.1197 Robach	Establish and fund a program to promote leukemia, lymphoma and myeloma research, education and treatment.	Passed Assembly
A.3100 Glick	Require certificates of birth data to be created for all persons, regardless of age, who were born outside of the United States and who have been validly adopted.	Enacting Clause Stricken
A.3144 Eddington S.3532 Foley	Authorize the Commissioner of Health to approve ten general hospitals within the state to operate transitional care units.	Passed Assembly
A.3576-A Perry	Require operators of petting zoos and other public establishments featuring animals to maintain hand washing or hand cleansing facilities for patrons.	Referred to Codes
A.3685 Aubry	Extend the definition of the term "correctional facilities medical care personnel" to include personnel engaged in providing health care at local correctional facilities.	Passed Assembly
A.3686 Aubry S.5395 Hassell-Thompson	Prohibit the charging of fees when the Department of Correctional Services or a local correctional facility requests a birth certificate for an inmate in anticipation of his/her release from custody.	Passed Assembly
A.3787 Rosenthal S.1990 Hannon	Reduce the number of witnesses required to be present, down from two to one, when a competent adult appoints a health care agent by health care proxy.	Passed Assembly
A.4058 Paulin	Require the Commissioner of Health to make grants to municipalities for the delivery of early intervention (EI) services, where each municipality would receive a share equal to its proportionate share of the total statewide dollars paid to EI providers by municipalities on account of EI services.	Referred to Ways and Means
A.4159 Clark	Expand the scope of a study regarding the risks and dangers associated with female genital mutilation by requiring the Office of Children and Family Services to submit an annual report to the governor and the legislature.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.4201 Thiele	Require the Department of Health, in consultation with any nuclear plant licensing agency, to conduct an evaluation of any nuclear power plant operating in New York State before issuing a license to extend its period of operation.	Held for Consideration in Health
A.4216 Brodsky S.4318 Adams	Exempt paired kidney or other conditional organ donation from valuable consideration under Public Health Law provisions which prohibit individuals from knowingly acquiring, receiving, or otherwise transferring for valuable consideration any human organ for transplantation.	Chapter 362
A.4301-A Canestrari S.5204 Breslin	Allow collective negotiations by health care providers with certain health care plans.	Referred to Ways and Means
A.4375 Hyer-Spencer S.765-A Larkin	Allow a certificate of birth resulting on stillbirth to parents who request it, and upon payment of a fee.	Referred to Ways and Means
A.4601 Cymbrowitz	Provide for corporate franchise and personal income tax check-offs for taxpayer gifts for colon cancer education and sets up the colon cancer education fund.	Passed Assembly
A.4802 Rivera, P. S.4477 Dilan	Require the Commissioner of Health to report on the very high incidence of asthma in New York State.	Passed Assembly
A.4937 Giglio	Require hospital patients to be counseled by an attending physician or nurse prior to the initial administering of any drug.	Held for Consideration in Health
A.5154 Butler	Prohibit an owner, operator or employee of a body piercing or tattoo studio from piercing or tattooing an individual under the age of 18 without the written consent from a parent or legal guardian.	Held for Consideration in Health
A.5144 Rivera, P. S.2449 Parker	Require the Department of Health to contract with community-based organizations and not-for-profit corporations for the provision of outreach, information and educational services to immigrants on the availability of health care services, medical assistance, emergency medical assistance, the family health plus program and the child health insurance plan.	Passed Assembly
A.5145 Rivera, P.	Require the Commissioner of Health to create a cultural education demonstration program to educate health care providers in the cultural traditions of patients with AIDS, specifically people of Asian and Latin American countries.	Referred to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.5149 Greene	Require the Department of Health to conduct an education and outreach program on the dangers of lung cancer; authorize corporate and personal income tax check-offs for taxpayer gifts for lung cancer education and prevention.	Enacting Clause Stricken
A.5225-A Espaillat S.5407-A Monserrate	Require hospitals to provide language assistance services to a patient or a patient's assistant for communication of clinical and other information.	Passed Assembly
A.5287 Meng S.4387 Klein	Require health care practitioners to complete training on pain management and creates an advisory committee to assist in the development, review and implementation of educational standards.	Calendar 173
A.5320 Maisel	Require the Commissioner of Health to investigate lymphedema, treatments available, and requires physicians to notify the Department of Health of cases of lymphedema.	Passed Assembly
A.5321 Maisel S.2585 Golden	Create the lymphedema and lymphatic diseases research grants program.	Passed Assembly
A.5343-A Koon S.5298-A Squadron	Provide for the development of an environmental health tracking system within the Department of Health with cooperation from the Departments of Environmental Conservation and Labor, to gather various environmental data to correlate with disease data.	Passed Assembly
A.5366 Arroyo S.4157 Montgomery	Establish a Minority Coordinating Council on Asthmatic Affairs within the Department of Health to assess the asthma risk factors for the minority citizens of New York State.	Referred to Rules
A.5476 Errigo	Require the Department of Health, in conjunction with the Department of Education, the Parent Teachers Association and other relevant school organizations, to develop a nutrition and fitness website.	Held for Consideration in Health
A.5483 Molinaro	Create a breast cancer registry and mandate the Department of Health to research causes, mortality, prevention, early detection and treatment.	Held for Consideration in Health
A.5487 Hikind S.4363 Kruger	Require the Commissioner Health to promulgate rules and regulations providing for the establishment of signage outlining the importance of hand hygiene in preventing communicable diseases.	Passed Assembly



<b><u>BILL/SPONSOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>ACTION</u></b>
A.5492 Molinaro	Mandate the installation of warning labels on ultraviolet radiation devices.	Held for Consideration in Health
A.5602 Boyland	Require the Department of Health to study drugs that are prescribed for school aged children with ADD and ADHD.	Passed Assembly
A.5624 Molinaro	Establish a task force on women's health and managed care.	Held for Consideration in Health
A.5694 Espaillat	Permanently extend the duration of the school health services program.	Passed Assembly
A.5721 Diaz S.4178 Flanagan	Allow the Commissioner of Health to add to the list of nonprescription drugs that may be reimbursed under the Medicaid program without prior notice and comment.	Enacting clause stricken
A.5756 Pretlow	Prohibit approved organizations providing coverage under Child Health Plus from discriminating against health care providers which do not participate in the organization's health care network.	Passed Assembly
A.5769 Rosenthal S.4992 Thompson	Require the Department of Health to engage in and/or support research into the health effects of exposure to artificial night light.	Passed Assembly
A.5802 McKeivitt	Establish the New York State Tobacco Settlement Cancer Research and Treatment Program to fund cancer research and treatment.	Held for Consideration in Health
A.5805 Pretlow	Require that, prior to approving an application for hospital establishment, incorporation or construction, the Commissioner of Health find that such action will not result in a critical reduction or elimination of a health care service in a community.	Calendar 202
A.5867 McKeivitt	Add 4,000 hospital beds to transitional care units.	Enacting Clause Stricken
A.5891-B Cahill S.4111-A Klein	Prohibit the sale of information listed on prescriptions that identifies specific patients or persons legally authorized to issue a prescription.	Calendar 134
A.5894-A Latimer S.5590 Duane	Require the Department of Health to conduct education and outreach program on post-poliomyelitis sequelae.	Passed Assembly
A.5961 Schimminger S.4105 Aubertine	Provide for the seizure and forfeiture of property or money furnished in an illegal exchange for a controlled substance.	Referred to Codes

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.6359 Ortiz S.5937 Hannon	Prohibit certain restaurants and food establishments from serving foods containing artificial trans fat.	Passed Assembly
A.6400 Ortiz	Amend the composition, powers and duties of the minority health council.	Passed Assembly
A.6478-A Ortiz	Require all general hospitals providing emergency services to post a statement of universal patient right to emergency treatment, and prohibits pre-admission questioning of patient or family regarding insurance, credit, means of payment or immigration status.	Calendar 338
A.6567 Barra	Authorize the Commissioner of Health to extend the certification of emergency medical technicians and first responders who cannot recertify due to illness.	Held for Consideration in Health
A.6598-A Cook	Authorize the Department of Health to implement a community food security, empowerment and economic development program to help meet the food need of low-income people and promote comprehensive responses to local food, farm and nutrition issues.	Referred to Ways and Means
A.6654 Gottfried S.4070 Montgomery	Authorize nurse practitioners to certify that an immunization may be detrimental to a child's health.	Passed Assembly
A.6671-B Rosenthal S.5463-B Valesky	Require a hospital discharging a visually impaired patient to offer to provide an audio recording of the discharge plan, in addition to a written copy.	Passed Assembly
A.6673 Gottfried	Authorize the Commissioner of Health to review applications for exemptions from the mandatory generic substitution law during the twelve month period prior to the expiration of the patent for the brand name drug.	Passed Assembly
A.6702-C Paulin S.4779-B Krueger	Allow minors to be treated for sexually transmissible diseases without a parent's or guardian's consent.	Calendar 670
A.6741-B Bradley S.3180-B Duane	Require a health insurance plan to reimburse an out-of-network clinical laboratory referred by an in-network doctor as if such laboratory was in network.	Passed Assembly
A.6772-A Paulin S.4944-A Oppenheimer	Broaden the definition of "summer day camp" to include organized group activities involving non-passive recreational activities with significant risk of injury.	Chapter 439
A.6818-A Morelle S.939-A Robach	Create a residential care off-site demonstration project allowing for the provision of physical, occupational and speech therapy by a residential health care facility at an off-site location.	Chapter 371

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.6951 Ortiz S.5550 Breslin	Establish a spina bifida education and outreach program within the Department of Health to raise awareness on the importance of encouraging all women in their child-bearing years to increase their folic acid intake in order to prevent its incidence.	Passed Assembly
A.6966 Gottfried S4488 Duane	Widen the class of individuals authorized to make a gift after the donor's death and makes it consistent with New York State disposition of remains law.	Referred to Codes
A.7053 Ball	Subject agent employee who makes actual sale of tobacco products to a minor to a fine of \$250 for each offense and \$250 for each additional offense.	Held for Consideration in Health
A.7066 Gottfried	Enact requirements relating to the safe handling of prescription drug samples by certain health care professionals; require maintenance of certain records and information regarding samples received and distributed, including expiration dates.	Calendar 538
A.7083 Jaffee S.3506 Thompson	Require the Commissioner of Health to establish and maintain a public education program to inform the public and appropriate professional disciplines of the potential health effects of consuming water that does not meet state drinking water standards.	Passed Assembly
A.7215 Finch	Provide that the "look back" period for Medicaid eligibility for transfer of real property commences on filing certificate of transfer.	Held for Consideration in Health
A.7271 Boyle	Establish a rewards program for individuals who provide relevant information to the office of the Medicaid inspector general that leads to the detection and conviction of persons engaging in Medicaid fraud.	Held for Consideration in Health
A.7277 Thiele	Increase Child Health Plus income eligibility to cover families with incomes up to 425% of the Federal Poverty Level and increases monthly premiums to offset the costs of increasing eligibility.	Held for Consideration in Health
A.7307 Thiele	Allow counties to opt out of providing certain optional Medicaid benefits to prospective beneficiaries.	Held for Consideration in Health
A.7352 Hawley S.3933 Maziarz	Establish a central registry of medical personnel terminated for cause.	Held for Consideration in Health
A.7515 Kavanagh S.4057 Stewart-Cousins	Allow documentation used to enroll children in the school meals program to be used for purposes of verifying eligibility for Child Health Plus.	Referred to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.7542 Gottfried	Provide for medical use of marihuana.	Calendar 156
A.7617 Gottfried S.4498 Duane	Require the attending health care practitioner of a terminally patient to offer to provide the patient information and counseling regarding palliative care and end-of-life options appropriate to the patient.	Passed Assembly
A.7622 Ortiz S.5925 Parker	Require the Commissioner of Health to establish means of educating proprietors and employees of public eating establishments about food allergens.	Passed Assembly
A.7662-A Ortiz S.3258-A Duane	Provide for enhanced efforts to curtail the diversion, abuse and illegal sale of prescription controlled substances.	Passed Assembly
A.7710 Saladino	Direct the Commissioner of Health to provide each nursing home regulated by the state with an external defibrillator.	Held for Consideration in Health
A.7729-C Gottfried S.3164-A Duane	Establish the Family Health Care Decisions Act to provide for a decision making process for patients who lack capacity to make their own health care decisions.	Referred to Codes
A.7791-A Kellner S.4540-A Duane	Require hospitals, nursing homes and community health clinics to provide patient documents in large print format, language assistance services and audio recordings to make such information accessible to blind or low vision individuals.	Passed Assembly
A.7853 Weisenberg	Require the Department of Health to promulgate rules and regulations concerning hard of hearing, deaf, deaf-blind and hard of hearing hospital patients, or patients of minor age whose parents or guardians are deaf, deaf-blind or hard of hearing.	Passed Assembly
A.7854 Gottfried S.4884 Duane	Establish New York Health Plus program to provide comprehensive health coverage to all New Yorkers.	Referred to Ways and Means
A.8045-A Gunther S.5786 Maziarz	Extend the safe patient handling demonstration program for two years.	Chapter 153
A.8285 Rosenthal	Allow the Commissioner of Health to add substances to the list of nonprescription drugs reimbursed by Medicaid.	Passed Assembly
A.8397-A Gottfried S.3257-A Duane	Require the development of pre-natal care standards within the Medicaid program.	Chapter 484
A.8410 Koon S.5269 Montgomery	Enact the "Bill of Adoptee Rights" to clarify language and procedures for obtaining birth certificates and medical histories for adoptees.	Referred to Codes

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8443 Ortiz S.4489 Duane	Prohibit the sale or use of artificial trans fats in food service establishments, mobile food service establishments and retail food stores.	Referred to Codes
A.8461-C Lancman S.5802-A Huntley	Require the Department of Health, upon learning of an imminent hospital closure, to hold a public hearing on the anticipated community impact.	Veto Memo 78
A.8482-B Perry S.3255-A Duane	Provide for the refinancing of indebtedness and additional secured borrowing by certain not-for-profit hospitals.	Referred to Ways and Means
A.8498-A Gottfried S.3255-A Duane	Make changes to the adoption information registry.	Passed Assembly
A.8499 Gottfried S.3126 Diaz	Require the Commissioner of Health to report improper measures by manufacturers, suppliers or retailers that cause exposure to lead to the Attorney General.	Passed Assembly
A.8506 Ortiz S.5665 Duane	Require the posting of calorie content of food sold by retail food establishments and retail food service operations.	Referred to Codes
A.8925 Gottfried S.5192 Duane	Allow home confinement of animals suspected of having rabies upon approval of the county health authority.	Referred to Rules
A.9016 Gottfried S.4041-B Duane	Provide for the use of medical marihuana by certified patients or designated caregivers.	Referred to Codes
A.9026 Ortiz S.6053 Hannon	Prohibit certain restaurants and food establishments from serving foods containing artificial trans fat.	Passed Assembly
A.9027 Ortiz	Require restaurants and food service establishments to post caloric value of food items.	Passed Assembly
A.9033 Gottfried	Authorize the purchase of coverage under family health plus by voluntary employee benefit associations.	Chapter 347

## **PUBLIC HEARINGS AND ROUNDTABLE MEETINGS OF 2009**

**Subject: Prescription Drug Abuse**

Joint with the Alcoholism and Drug Abuse Committee

**Date/Place:** September 10, 2009 – New York City

**Subject: H1N1 Influenza**

Joint with the Education, Higher Education, Labor Committees and the Subcommittee on Workplace Safety

**Date/Place:** October 13, 2009 – New York City

**Subject: Improving Patient Safety in New York: Understanding and Improving the Current System**

Joint with the Senate Health Committee

**Date/Place:** October 19, 2009 – New York City

**Subject: Proposed Revision of the Anatomical Gift Act**

**Date/Place:** October 29, 2009 – New York City

**Subject: Roundtable on Accessibility of HIV Post-Exposure Prophylaxis (PEP) Treatment for Victims of Sexual Assault**

Joint with the Task Force on Women's Issues and the Subcommittee on Women's Health

**Date/Place:** December 8, 2009 – New York City

**Subject: Roundtable on Pediatric Protocols for Sexual Assault and Abuse in New York State**

Joint with the Children and Families and Codes Committees, the Subcommittee on Women's Health and the Task Force on Women's Issues

**Date/Place:** December 15, 2009 – Albany