



New York State Assembly
2011 ANNUAL REPORT

committee on
HEALTH

Richard N. Gottfried
Chair



Sheldon Silver
Speaker



NEW YORK STATE ASSEMBLY

822 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12248
TEL: 518-455-4941 FAX: 518-455-5939

250 BROADWAY, RM. 2232, NEW YORK, NY 10007
TEL: 212-312-1492 FAX: 212-312-1494

E-MAIL: GOTTFRR@ASSEMBLY.STATE.NY.US

RICHARD N. GOTTFRIED
75TH ASSEMBLY DISTRICT

CHAIR
COMMITTEE ON HEALTH

COMMITTEES:
RULES
HEALTH
HIGHER EDUCATION
MAJORITY STEERING

CHAIR
MANHATTAN DELEGATION

December 28th, 2011

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

Dear Speaker Silver:

I am pleased to submit the 2011 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

Committee on Health

2011 Annual Report

Richard N. Gottfried
Chair

Albany, New York

**NEW YORK STATE ASSEMBLY
SHELDON SILVER, SPEAKER
RICHARD N. GOTTFRIED, CHAIR
COMMITTEE ON HEALTH**

Health Committee Members

Majority

Jonathan L. Bing
Kevin A. Cahill
Steven Cymbrowitz
Jeffrey Dinowitz
Sandy Galef
Richard N. Gottfried, Chair
Aileen M. Gunther
Andrew Hevesi
Rhoda Jacobs
Charles D. Lavine
William B. Magnarelli
Nettie Mayersohn
Amy Paulin
Crystal D. Peoples-Stokes
Naomi Rivera
Linda B. Rosenthal
Robin Schimminger
Darryl C. Towns
Matthew J. Titone

Minority

James D. Conte
Christopher S. Friend
Andy Goodell
David G. McDonough
Joel M. Miller
Edward P. Ra
Andrew P. Raia
Lou Tobacco, Ranking Minority Member

Health Committee Staff

Richard Conti, Executive Director
Monica Miller, Legislative Associate
Elizabeth Hamlin, Legislative Associate
Ryan Streeter, Legislative Associate
Helen Dong, Committee Clerk
Linda Dawes, Executive Assistant
Barbara Riley, Administrative Assistant

Program and Counsel Staff

Simonia Brown, Assistant Secretary for Program and Policy
Estibaliz Alonso, Senior Analyst
Michelle Newman, Analyst
Nicholas Cartagena, Associate Counsel
Marjorie Pinchim, Administrative Assistant

Table of Contents

<u>Section</u>	<u>Page Number</u>
1. Summary Sheet	3
2. Final Action on Committee on Health Bills in 2011	4
3. Public Hearings of 2011	22

2011 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>
BILLS REPORTED WITH OR WITHOUT AMENDMENT			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	37	0	37
TO WAYS AND MEANS	54	0	54
TO CODES	59	0	59
TO RULES	9	0	9
TO JUDICIARY	0	0	0
TOTAL	159	0	159
BILLS HAVING COMMITTEE REFERENCE CHANGED			
TO <u>AGING</u>	1	0	1
TO <u>CONSUMER AFFAIRS</u>	1	0	1
TO <u>GOVERNMENTAL OPERATIONS</u>	1	0	1
TO <u>HIGHER EDUCATION</u>	1	0	1
TO <u>INSURANCE</u>	3	0	3
TO <u>MENTAL HEALTH</u>	3	0	3
TO <u>WAYS AND MEANS</u>	1	0	1
TOTAL	11	0	11
SENATE BILLS SUBSTITUTED OR RECALLED			
SUBSTITUTED		3	3
RECALLED		2	2
TOTAL		5	5
BILLS DEFEATED IN COMMITTEE	0	0	0
BILLS HELD FOR CONSIDERATION WITH A ROLL- CALL VOTE	22	0	22
BILLS NEVER REPORTED, HELD IN COMMITTEE	256	18	274
BILLS HAVING ENACTING CLAUSES STRICKEN	21	0	21
MOTIONS TO DISCHARGE LOST	0	0	0
TOTAL BILLS IN COMMITTEE	469	23	492
TOTAL NUMBER OF COMMITTEE MEETINGS HELD	15		

SECTION II

Final Action on Committee on Health Bills in 2011

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.82 Paulin	Require manufacturers of tobacco products to disclose chemical additives and product design characteristics in cigarettes, snuff, and chewing tobacco.	Calendar 62
A.85 Paulin S.892 Krueger	Authorize the prescribing of a non-patient-specific regimen of emergency contraception under certain circumstances and conditions.	Calendar 430
A.248 Montesano S.3504 Hannon	Provide for quality standards for dental prosthetic devices and for disclosure of the manufacturing location of such devices.	Held for consideration in Health
A.283 Cusick S.569 Robach	Establish and fund a program to promote leukemia, lymphoma and myeloma research, education and treatment.	Passed Assembly
A.288-A Paulin S.5008 Fuschillo	Prohibit the sale of flavored tobacco products except for menthol, mint and wintergreen flavors.	Passed Assembly
A.344-A Paulin S.5153-A Grisanti	Provide a premium reduction for physicians and licensed midwives who complete a risk management strategies in obstetrics course.	Referred to Ways and Means
A.346 Paulin S.3470 Oppenheimer	Authorize an increase in civil penalties authorized to be levied by local boards of health.	Calendar 98
A.364 Cahill S.2591 Hannon	Prohibit the sale of any identifying information listed on prescriptions to any person or entity for the purpose of marketing any drug or device, except under certain circumstances.	Calendar 264
A.372 Hoyt S.3102 Gallivan	Restrict retail sale of ipecac syrup to behind the pharmacy counter or under manager control.	Chapter 127
A.412 Dinowitz S.738 Squadron	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.	Referred to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.413 Gunther S.4159 Parker	Require the Commissioner of Health to facilitate the development and establishment of comprehensive centers for the assessment of children diagnosed with autism spectrum disorders.	Referred to Ways and Means
A.459 Gibson S.5114 Savino	Create a lupus education and outreach program and advisory council within the Department of Health and authorize the provision of grants.	Referred to Rules
A.460 Gibson S.1175 Parker	Provide for taxpayer gifts for lupus education and prevention, and create a lupus education and prevention fund and outreach program and advisory council.	Referred to Rules
A.543 Gibson S.2304 Kruger	Provide for a corporate franchise tax check-off and a personal income tax check-off for taxpayer gifts for lung cancer education and prevention, and establish the lung cancer education and prevention fund.	Referred to Ways and Means
A.551 Gottfried	Require diversion of new admissions to nursing homes when they are unable to maintain safe and appropriate standards.	Referred to Ways and Means
A.565 Gottfried	Require enriched housing programs to report death and felony crimes to the Department of Health.	Passed Assembly
A.575 Gottfried	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.590 Gottfried S.1207 Hannon	Prohibit disclosure of testimony of a party to a health care quality assurance or peer review proceeding.	Referred to Codes
A.591 Gottfried S.4540 Ball	Provide clarification of written requirements for the disposition of human remains.	Passed Assembly
A.592 Gottfried	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 296
A.593 Gottfried	Expand the medical exemption from mandatory immunizations for students.	Calendar 297
A.594 Gottfried	Provide certain prohibitions in contracts or agreements by health maintenance organizations.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.595 Gottfried	Authorize residents of an adult home, enriched housing program or residence for adults to designate a resident representative and a legal representative.	Passed Assembly
A.600 Magnarelli	Establish mandatory reporting of alleged incidents of abuse, mistreatment or neglect of residents in adult care facilities.	Referred to Codes
A.654 Gottfried	Authorize nurse practitioners to certify that an immunization may be detrimental to a child's health.	Calendar 17
A.655 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 Rules
A.656 Gottfried	Authorize the commissioner of health to develop and administer training programs for coroners, coroners' physicians and medical examiners.	Passed Assembly
A.657 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.659 Gottfried S.4509 Hannon	Require utilization review agents to consider certain factors when determining whether to deny reimbursement for emergency services.	Passed Assembly
A.660 Gottfried	Clarify the definition of operational authority over a hospital and require the public health and health planning council to review any amendments to a hospital's mission statement to determine the impact on the availability of health care services.	Calendar 10
A.662 Gottfried	Require a "clinical peer reviewer" 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.663 Gottfried	Entitle temporary operators of adult care facilities to the same powers and protections afforded to a facility receiver with limitations on the power to sell or dispose of property and to transfer patients.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.664-A Gottfried	Require 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 unless the Commissioner of Health finds that ceiling lifts are not needed or their construction is not reasonably practical.	Calendar 302
A.669 Jaffee S.3200 Hannon	Provide financial assistance from the Crime Victims Board for post-exposure prophylaxis treatment for victims of sexual assault.	Referred to Ways and Means
A.671 Jaffee	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.	Referred to Codes
A.717 Dinowitz	Require the Commissioner of Health to take action when areas of lead poisoning have been designated.	Passed Assembly
A.732 Gottfried	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.754 Rabbitt	Allow any attending physician to admit a patient to a general hospital from the hospital's emergency room if the attending physician determines that admittance of such person is required for care.	Held for consideration in Health
A.804 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 67
A.805 Gottfried	Expand the prescription drug discount program to provide affordable prescriptions to more New York State residents.	Passed Assembly
A.806 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 31

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.807 Gottfried	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.	Referred to Ways and Means
A.809 Gottfried S.4664 Maziarz	Establish a fiduciary relationship between pharmacy benefit managers and health plans or providers.	Passed Assembly
A.810 Gottfried	Include health care facilities operated or supervised by the department of correctional services or local correctional facilities within the definition of hospital.	Referred to Ways and Means
A.812 Paulin	Require the Commissioner of Health to make grants to municipalities for the delivery of early intervention (EI) services in an amount 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.841 Ortiz S.3878 Esparillat	Require all general hospitals providing emergency services to post a statement of universal patient rights to emergency treatment, and prohibit pre-admission questioning of patient or family regarding insurance, credit, means of payment or immigration status.	Calendar 22
A.921 Gottfried S.4553 Hannon	Establish minimum staffing requirements for acute care facilities and nursing homes, and require these facilities to develop a staffing plan.	Referred to Ways and Means
A.969 Kellner	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.	Starred on Calendar
A.1062 Ortiz S.1178 Parker	Require the Commissioner of Health to establish means of educating proprietors and employees of public eating establishments about food allergens.	Calendar 25
A.1074 Weisenberg S.2917 Fuschillo	Prohibit tanning facilities from allowing the use of an ultraviolet radiation device by persons less than eighteen years of age.	Passed Assembly
A.1223 Bing	Include treatment of remains by the process of alkaline hydrolysis within the definition of "cremation" in certain circumstances.	Enacting clause stricken

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.1246 Hawley S.221 Maziarz	Establish a central registry of medical personnel terminated for cause.	Held for consideration in Health
A.1278 Castelli	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 certified as an emergency medical technician.	Held for consideration in Health
A.1334 Castelli	Require the Department of Health to pay one hundred percent of the non-federal share of payments for services required to be provided by state law, but not required to be provided by federal law.	Held for consideration in Health
A.1370-A Lancman S.2470-A Maziarz	Create a New York State Safe Patient Handling Task Force within the Department of Health to establish a statewide safe patient handling policy in health care facilities.	Passed Assembly
A.1410-A Thiele S.1457-A Lavallo	Allow seaside beaches to have personal watercraft in addition to surfboats available for the purposes of rescuing people in danger of drowning.	Chapter 151
A.1424 Castelli S.1476 Ball	Allow the Commissioner of Health, with approval of the Director of the Budget and the Director of the Division of Veterans Affairs, to acquire from the federal government the Franklin Delano Roosevelt campus of the Department of Veterans Affairs Hudson Valley health care system at Montrose.	Held for consideration in Health
A.1468 Rosenthal S.695 Klein	Prohibit the sale of electronic cigarettes to minors and prohibit distribution or sale of any item containing or delivering nicotine that is not defined as a tobacco product or approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product.	Referred to Codes
A.1469-A Rosenthal S.4325 Avella	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.1589 Dinowitz S.2170 Golden	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 be shipped, knows that the government employee is acting within his or her official duties.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.1628 Tedisco	Appropriate \$350,000 to the Schenectady Health Care Practitioner Volunteer program.	Held for consideration in Health
A.1691 Ortiz	Require Health Maintenance Organizations and health insurance plans to cover services rendered by a qualified diagnostic laboratory not participating in the insurer's plan as it would other non-participating laboratory when a patient is referred to such lab.	Held for consideration in Health
A.1808 Dinowitz	Extend the period during which health maintenance organization enrollees may continue to receive services from a health care provider who disaffiliates.	Passed Assembly
A.1833 Rosenthal	Authorize the Department of Health to engage in or support research on the health effects of artificial night light.	Referred to Ways and Means
A.1884 Ortiz	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.	Referred to Ways and Means
A.2003-A Weprin S.5738 Lanza	Enact the "Bill of Adoptee Rights" to clarify language and procedures for obtaining birth certificates and medical histories for adoptees.	Referred to Codes
A.2018-A Bing S.873-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.2033 Reilich S.204 Maziarz	Grant the Department of Health (DOH) 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.2155 Gottfried S.1179 Parker	Authorize the Commissioner of Health to create grants to be used to help pay for the costs of conducting local blood drives.	Referred to Ways and Means
A.2186 Rosenthal	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.	Referred to Rules

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.2231 Rivera, P.	Allow residents of adult homes, residences for adults, enriched housing programs or assisted living facilities, as a means of protecting their health safety and welfare, to petition for the appointment of a temporary or permanent receivership.	Passed Assembly
A.2347 Spano S.2828 Stewart-Cousins	Require physicians to test for Methicillin Resistant Staphylococcus Aureus (MRSA) in certain circumstances; and require reporting of MRSA testing results and deaths from MRSA infections to the Commissioner of Health.	Held for consideration in Health
A.2392 Markey	Require every golf course to make available at least one functional cardiac defibrillator and require employees of such facility be trained in its proper operation and use.	Referred to Codes
A.2473 Canestrari	Establish the transition authorization panel demonstration program to evaluate an approach to secure decisions relating to the transition of isolated patients from inpatient care to post-acute care.	Referred to Rules
A.2474-A Canestrari S.3186-A Hannon	Allow collective negotiations by health care providers with certain health care plans.	Referred to Ways and Means
A.2478 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
A.2519 Fitzpatrick	Create a public umbilical cord blood banking program within the Department of Health to promote public awareness of the potential benefits of public cord banking, to promote research into the uses of cord blood, and to facilitate pre-delivery arrangements for public banking of cord blood donations.	Held for consideration in Health
A.2547 Pretlow	Require companies to send and receive a signed document from a customer stating that they are 18 years of age or older, prior to shipping tobacco products purchased on the internet or otherwise.	Referred to Codes
A.2550 Pretlow	Prohibit Child Health Insurance Plan approved organizations from denying or limiting the provision of covered health care services by a health care provider based on a provider's decision not to participate in a commercial health care network maintained by such approved organization.	Passed Assembly

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.2612 Fitzpatrick S.2205 Golden	Create the Human Cloning Prohibition Act which makes it unlawful for any person or entity, public or private, to intentionally or knowingly perform or attempt to perform human cloning.	Held for consideration in Health
A.2812 Schimel S.1408 Hannon	Authorize the immunization against hepatitis B of minors capable of consent who are housed in a local or state correctional facility.	Chapter 269
A.2951-A Ortiz	Require the Department of Health to conduct education and outreach relating to the health risks of children who become overweight or underweight.	Referred to Ways and Means
A.3121 Lupardo S.2025 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.	Referred to Codes
A.3122 Lupardo S.3471 Oppenheimer	Require the state, or state agencies that own, lease or operate a building to develop and maintain an indoor air quality plan.	Referred to Ways and Means
A3304-A Gottfried S.5556 Hannon	Establish a health-related legal services grant program to provide on site legal services without charge to assist patients in resolving legal matters that have an impact on a patient's health or are created or aggravated by a patient's health.	Chapter 509
A.3338 Gottfried S.4566 Farley	Allow home confinement of animals suspected of having rabies upon approval of the county health authority.	Chapter 510
A.3339 Gottfried S.5001 Hannon	Include physician assistants, acting under the supervision of a physician, as persons able to certify and sign death certificates in the same manner as physicians.	Calendar 455
A.3394 Maisel S.882 Golden	Create the lymphedema and lymphatic diseases research grants program.	Referred to Ways and Means
A.3551 Gottfried	Allow practitioner referrals authorized under federal Stark Law, unless the Public Health Council determines that there could be substantial risk of payor or patient abuse.	Passed Assembly
A.3621 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.	Calendar 255

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.3637-A Gottfried	Authorize the establishment of medical home multipayor programs to improve health care outcomes and efficiency through improved access, patient care continuity, and coordination of health services.	Referred to Ways and Means
A.3683-A Gottfried S.5044 Hannon	Provide that certain costs attributable to the provision and management of patient care be excluded from the calculation of the administrative and general cost cap applied to certified home health agencies, long term home health care programs and AIDS home care programs.	Referred to Ways and Means
A.3764 Englebright	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.3798 Spano S.4485 Ranzenhofer	Require health clubs to provide automated external defibrillators only during business hours when they are staffed.	Chapter 31
A.3806-B Cusick S.2820-B Lanza	Allow pharmacists to access certain New York Prescription Drug Monitoring Program data.	Passed Assembly
A.3815 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.3862 Englebright S.4798 Flanagan	Authorize funding of mapping incidence of breast cancer from the Breast Cancer Research and Education Fund; and require commercial pesticide applicators and sellers of restricted use pesticides file their reports in electronic format or on scannable forms.	Passed Assembly
A.3945 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.3953 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.3954 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 Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.2999 Ortiz	Prohibit the use of cellular or mobile telephones in certain public areas of hospitals, medical centers, or any other treatment center.	Held for Consideration in Health
A.3198 Perry S.689 Sampson	Require hospital admission registration forms to include the name of the school attended by school age patients.	Held for Consideration in Health
A.3673 Finch	Provide that the "look back" period for Medicaid eligibility for transfer of real property commence upon the filing of a certificate of transfer.	Held for Consideration in Health
A.4018 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.4050 Englebright	Provide farm workers additional protections from pesticides.	Referred to Ways and Means
A.4114-A 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.4208 Rivera, P. S.1158 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 and the Child Health Plus programs.	Passed Assembly
A.4285 Rivera, P.	Require mental health, alcohol and substance abuse benefits provided in Child Health Plus and Family Health Plus to be comparable to medical benefits provided as part of such programs.	Referred to Ways and Means
A.4352 Englebright S.5575 Alesi	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.	Calendar 321
A.4342 Perry	Prohibit pharmacy benefit managers, HMOs, insurers and health plans from offering incentives to health care providers to switch from one prescription drug to another.	Referred to Codes
A.4403 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.	Referred to Ways and Means

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.4424 Rivera, P. S.1539 Dilan	Require the Commissioner of Health to report on the very high incidence of asthma in New York State.	Referred to Ways and Means
A.4471 Gabryszak S.5551 Hannon	Extend for two years the demonstration program allowing Medicaid to reimburse for portable x-ray services in residential health care facilities and intermediate care facilities for persons with developmental disabilities.	Chapter 272
A.4552 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
A.4665 Miller	Require hospitals to use a standardized form to provide families and patients information concerning the continual care of the patient at the time of discharge.	Held for Consideration in Health
A.4769-C Braunstein S.3322-C Griffo	Classify Mephedrone and MDPV 6 (“bath salts”) as Schedule I stimulants and ban the sale of such substances.	Chapter 130
A.4863 Galef	Increase the legal age to purchase tobacco products from eighteen to nineteen years of age and exempt individuals who are eighteen and are serving in the United States military.	Referred to Codes
A.4902 Rosenthal	Require hospitals, in cases of emergency, to inform a patient or health care agent as soon as reasonably possible if the hospital has a formally adopted policy based on religious beliefs or sincerely held moral convictions that may be contrary to the health care agent's decision.	Calendar 118
A.5036 Gottfried S.3737 Hannon	Authorize adults to opt to make a health care agent's authority effective without a determination of incapacity.	Referred to Codes
A.5038 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.5070 (Hayes)	Require hospitals to make the patients' bill of rights available by non-visual access for blind and visually impaired patients.	Held for Consideration in Health
A.5366-B Russell S.5431-A Young	Increase reimbursement to rural health care facilities.	Passed Assembly
A.5516-C Jaffee S.3461-C Fuschillo	Prohibit smoking in outdoor areas of ticketing, boarding or platforms of railroad stations operated by the MTA.	Chapter 389

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.5667-A McEneny S.3551-A Breslin	Allow the Common Council of the City of Albany to establish the fees charged for issuance of birth or death records.	Passed Assembly
A.5686-A Gottfried S.3184-A Little	Require the Office of Medicaid Inspector General to follow certain due process procedures, practices and standards in regards to Medicaid provider audits.	Veto Memo 72
A.5816 Losquadro S.3714 LaValle	Require hospitals to disclose any hospital service or health related service provided by the hospital that is performed outside of the United States.	Held for Consideration in Health
A.6037-A Brook-Krasny S.4269-A Golden	Prohibit the sale of hookahs, water pipes and shisha to minors.	Chapter 131
A.6039-A Kellner S.3865-A Robach	Provide reimbursement for outpatient blood clotting factor concentrates and other necessary treatments and services for persons eligible for the Child Health Plus or Family Health Plus programs who have hemophilia and other clotting protein deficiencies.	Referred to Ways and Means
A.6066-A Magee S.3540-A Valesky	Authorizes the City of Oneida to establish the fee for birth and death records	Passed Assembly
A.6017-A Meng	Require residential healthcare facilities to provide, in multiple languages, information concerning procedures for reporting abuse of patients in the facilities.	Calendar 272
A.6074 Rosenthal	Require hotels to protect all mattresses and box springs with bedbug-impermeable covers.	Referred to Rules
A.6077 Sweeney S.4058 Grisanti	Require the Department of Health to adopt regulations prohibiting the Maximum Contaminant Level for hexavalent chromium in the public water supply from being greater than .02 parts per billion.	Referred to Rules
A.6101 Kellner	Require the provision of transportation services for Medicaid recipients to a safe location during pest control procedures at their residences.	Referred to Ways and Means
A.6112 Glick S.2844 Stewart-Cousins	Enact the "Reproductive Health Act" establishing that every woman has a fundamental right of privacy with respect to certain personal reproductive decisions including choosing or refusing contraception, and determining the course of her pregnancy.	Referred to Codes
A.6156-A Dinowitz	Prohibit smoking in public parks and pedestrian plazas.	Referred to Codes

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.6185 Kavanagh S.1130 Parker	Prohibit the display of human remains for commercial purposes without a permit from the Department of Health.	Referred to Codes
A.6241 Wright S.4077 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
A.6451 Galef	Prohibit individuals from smoking at playgrounds.	Passed Assembly
A.6539-B Cahill S.4563-A Savino	Establish certain requirements for the practice of surgical technology.	Calendar 402
A.6612 Curran	Provide for the regulation and licensing of persons engaged in body-piercing, ear-piercing or tattooing.	Held for Consideration in Health
A.6624 Curran	Establish a block grant for hospital nursing care and appropriate \$10 million for this purpose.	Held for Consideration in Health
A.6644 Curran	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.6728 Tenney	Create the Public Health Emergency Planning Commission and enact legislation relating to terrorism.	Held for Consideration in Health
A.6770 Cook S.4955 Ball	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.6902-A Hevesi S.4622-A Marcellino	Allow mortuaries to keep records relating to the deceased electronically.	Chapter 520
A.7074 Gottfried	Require every general hospital to have a community advisory board.	Passed Assembly
A.7285-B Weprin S.3082-B Stavisky	Prohibit smoking in private passenger cars, vans or trucks where minors less than 14 years of age are passengers.	Calendar 337
A.7311-A Gabryszak S.4621-A Young	Increase the members of the State Emergency Medical Advisory Committee, from 29 to 31, to reflect updated regional membership.	Calendar 134
A.7343 Gottfried S.5259-A Hannon	Extend the provisions of the Family Health Care Decisions act to decisions regarding hospice care.	Chapter 167

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.7347 Gottfried S.2774 Duane	Legalize the possession, manufacture, use, delivery, transfer, transport or administration of marihuana by a certified patient or designated caregiver.	Referred to Rules
A.7408 Thiele	Require the Department of Health, in consultation and cooperation with any nuclear plant licensing agency, to conduct an evaluation of nuclear power plants operating in New York State before issuing a license to extend its period of operation.	Referred to Ways and Means
A.7439-A Gottfried S.4894-A Hannon	Simplify requirements to expedite the admission process for assisted living residences and adult care facilities.	Chapter 168
A.7485 Glick	Exclude graduates of public, private and parochial secondary schools that are located in New York from the definition of "student" in relation to immunization record requirements for attending New York colleges.	Veto Memo 30
A.7489-A Gottfried	Require HMOs that have an out-of-network plan benefit system to demonstrate that the plan would provide significant coverage of the usual costs of out-of-plan health services and to provide to enrollees, upon request, a description of anticipated out-of-network costs.	Vote Reconsidered- Restored to 3 rd Reading
A.7517 Sweeney S.5405 Hannon	Extend a pilot that allows for continuing education recertification for emergency medical services technicians who have been in continuous practice and have demonstrated competence without taking a written exam.	Chapter 106
A.7518 Gottfried	Include Accountable Care Organizations within the definition of Medicaid managed care provider.	Passed Assembly
A.7585 Lavine S.1850 Oppenheimer	Require general hospitals to establish policies and procedures regarding domestic violence.	Calendar 141
A.7650 Gottfried S.5554 Hannon	Define "terminally ill" in order to extend access to hospice care to people with a life expectancy of twelve months from the current six, and permit a hospice to employ or contract with licensed health care professionals to provide health care services.	Chapter 441
A.7651 Gottfried	Expand the scope of the Special Advisory Review Panel on Medicaid Managed Care to include certain programs.	Passed Assembly
A.7665-B Russell S.4992-A Hannon	Exempt certain hospital construction projects from certificate of need requirements.	Chapter 174

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.7667-A Russell S.5591 Little	Authorize certain campgrounds without dumping stations to provide a written list of at least three dumping stations that the campground occupants are permitted to use.	Veto Memo 37
A.7713-A Jaffee S.4875-B Hannon	Exempt the Rudolf Steiner Fellowship Foundation, Inc. from the requirement to obtain an enhanced assisted living facility certificate.	Chapter 476
A.7772 Gunther S.5569 Maziarz	Extend the safe patient handling demonstration program for 2 years.	Chapter 354
A.7776 Ortiz	Prohibit certain restaurants and food establishments from serving food containing artificial trans fat.	Calendar 412
A.7799 Gottfried	Clarify organ donation procedures, including processes for dispute resolution and patient wishes protections, consistent with the Uniform Law Commission's recommendations.	Referred to Codes
A.7810 Gottfried S.5555 Hannon	Allow limited liability companies to operate renal disease diagnostic and treatment centers.	Chapter 492
A.7858 Titone S.4201 Hannon	Authorize the Department of Health to share information about environmentally related diseases with local health departments when it is deemed necessary to help protect the public health against hazards associated with exposure to such diseases.	Chapter 198
A.7866-A Jaffee S.4755-A Saland	Require the Department of Health to inform the public of the potential health effects of consuming water that does not meet the state drinking water standards, including well water.	Referred to Ways and Means
A.7893 Gunther S.5447 Young	Expand access to home care providers to the Health Occupation Development and Workplace Development Program without providing for state rate adjustments.	Chapter 444
A.7917-A Cusick	Authorize the Department of Health to implement certain measures in order to curtail the diversion and abuse of controlled substances.	Passed Assembly
A.8085 Gottfried S.5553 Hannon	Authorize the Commissioner of Health to enter into multi-year settlement agreements with third-party payors and Article 28-certified entities in regard to HCRA surcharge assessments.	Chapter 317

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8098 Bronson S.5552 Hannon	Extend chronic care management (PACE) programs in the Loretto Rest Nursing Home Company, Inc., Rochester Health Care, Inc, and the Eddy, LTC, until December 31, 2013.	Chapter 446
A.8128-A Paulin S.5572-A Klein	Require the Department of Health to post the results of public food service establishment inspections on their website.	Referred to Codes
A.8134-A Weisenberg S.4851-A Saland	Authorize the establishment of a long term care community in Columbia County known as Camphill Ghent, Inc. to provide integrated services to persons with developmental disabilities.	Passed Assembly
A.8176 Rosenthal	Require health practitioners that prescribe or dispense pain medication to complete course work or training regarding pain management and palliative care every four years.	Referred to Rules
A.8178-A Galef S.3111-B Larkin	Require the Department of Health to establish a certificate of still birth, issued by the registrar of death certificates, to the parent(s) named on a fetal death certificate upon request, and to siblings and grandparents(s), if both parents are deceased.	Passed Assembly
A.8179 Gottfried S.5395 Hannon	Restrict the duties which may be assigned to specialist's assistants in radiology.	Chapter 536
A.8202 Bing S.4991-B Hannon	Require the Department of Health to conduct education and outreach in clinical information resources, and to create the Clinical Information Resource Access Program.	Veto Memo 78
A.8213 Gottfried S.5252-A Hannon	Prohibit providers from receiving monies for the improvement of recruitment and retention of non-supervisory workers providing home health services, when such monies are not provided to the certified home health service agencies employing such workers, and providing standards for payment of claims for certain long term care services.	Referred to Ways and Means
A.8248 Gottfried S.4918-A Hannon	Allow Medicaid reimbursement of real property capital construction costs for non-freestanding assisted living facilities, in addition to freestanding facilities, where the Department of Health determines that the construction will result in fiscal savings to the state.	Veto Memo 67
A.8306 Lavine S.5644 Hannon	Allow social services districts to fulfill their payment obligations to public general hospitals by certified public expenditures in addition to intergovernmental transfers.	Chapter 379

<u>BILL/SPONSOR</u>	<u>DESCRIPTION</u>	<u>ACTION</u>
A.8336 Roberts S.5705 Hannon	Allow the Commissioner of Health to enter into multi-year agreements with general hospitals in regard to audit findings and allow for the inclusion of prior settlements in such agreements related to HCRA surcharge assessments.	Chapter 379
A.8515 Kellner S.5851 Hannon	Eliminate the 20 visits/year Medicaid coverage limit for speech, physical and occupational therapy to persons with traumatic brain injury.	Chapter 220

SECTION III

Public Hearings of 2011

Subject: **Health Impacts of Hydraulic Fracturing Techniques**

Joint with the Environmental Conservation Committee

Date/Place: May 26, 2011 – Albany

Subject: **The Regulation of Toxic Chemicals in Children’s Products**

Joint with the Environmental Conservation and Consumer Affairs and Protection
Committees

Date/Place: December 5, 2011 – New York City

Subject: **Medicaid Managed Care Prescription Drug Carve-In Implementation**

Date/Place: December 19, 2011 – New York City