

STATE OF NEW YORK

5297

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to prohibited hospital interference with patient care

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

1 Section 1. The public health law is amended by adding a new section
2 2831 to read as follows:

3 § 2831. Interference with care; prohibited. 1. Except as provided in
4 subdivision two of this section, if a health care practitioner licensed
5 pursuant to title eight of the education law is acting in good faith,
6 within the practitioner's scope of practice, and within the relevant
7 standard of care, a hospital shall not:

8 (a) Limit the health care practitioner's provision of medically accu-
9 rate and comprehensive information and resources to a patient regarding
10 the patient's health status including, but not limited to, diagnosis,
11 prognosis, recommended treatment, treatment alternatives, information
12 about available services and where and how to obtain them, and any
13 potential risks to the patient's health or life; or

14 (b) Prohibit the health care practitioner from providing health care
15 services related to complications of pregnancy, including but not limit-
16 ed to health services related to miscarriage management and treatment
17 for ectopic pregnancies, in cases in which failure to provide the
18 service would violate the accepted standard of care or when the patient
19 presents a medical condition manifesting itself by acute symptoms of
20 sufficient severity such that the absence of medical attention could
21 reasonably be expected to pose a risk:

22 i. to the patient's life; or

23 ii. of irreversible complications or impairment to the patient's bodi-
24 ly functions or any bodily organ or part.

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

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1 2. Nothing in this section prohibits a hospital from limiting a health
2 care provider's practice to protect patients' physical safety.

3 3. A health care entity shall not discharge, demote, suspend, disci-
4 pline, discriminate or otherwise retaliate against a health care practi-
5 tioner for engaging in communications or providing services consistent
6 with this section.

7 4. The department shall design, prepare, and make available online
8 written materials to clearly inform health care practitioners and staff
9 of the provisions of this section.

10 5. A patient, a health care practitioner, or an individual, who is
11 aggrieved by a violation of subdivision one of this section, may bring a
12 civil action against a hospital to enjoin further violations, recover
13 damages or both, and shall recover costs and reasonable attorneys' fees.

14 § 2. Subdivision 3 of section 6507 of the education law, is amended by
15 adding a new paragraph d to read as follows:

16 d. Ensure that each licensee, registrant, or recipient of a limited
17 permit to be a physician, physician's assistant, specialist assistant,
18 pharmacist, pharmacy technician, registered professional nurse, licensed
19 practical nurse, nurse practitioner, clinical nurse specialist, midwife,
20 psychologist, licensed master social worker, licensed clinical social
21 worker, occupational therapist, occupational therapy assistant, or
22 mental health practitioner receives, upon licensure, registration, or
23 issuance of a limited permit, the information prepared by the department
24 of health under subdivision four of section twenty-eight hundred thir-
25 ty-one of the public health law. Licensees, registrants, and recipients
26 of limited permits shall be encouraged to share the information provided
27 with their colleagues who are not subject to state licensure.

28 § 3. If any clause, sentence, paragraph, section or part of this act
29 be adjudged by any court of competent jurisdiction to be invalid, such
30 judgment shall not affect, impair or invalidate the remainder hereof but
31 shall be applied in its operation to the clause, sentence, paragraph,
32 section or part hereof directly involved in the controversy in which
33 such judgment shall have been rendered.

34 § 4. This act shall take effect immediately.