

# STATE OF NEW YORK

10022

## IN ASSEMBLY

January 27, 2026

Introduced by M. of A. LEE -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law, in relation to requiring certain health care providers to disclose the fact that the provider is on probation to current and new patients

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

1 Section 1. Section 230 of the public health law is amended by adding a  
2 new subdivision 20 to read as follows:

3 20. (a) As used in this subdivision:

4 (i) "health care representative" means a health care agent designated  
5 by an adult pursuant to article twenty-nine-C of this chapter, a health  
6 care surrogate selected to make a health care decision on behalf of a  
7 patient pursuant to section twenty-nine hundred ninety-four-d of this  
8 chapter, a guardian authorized to decide about health care pursuant to  
9 article eighty-one of the mental hygiene law, or a guardian appointed  
10 pursuant to section seventeen hundred fifty-b of the surrogate's court  
11 procedure act; and

12 (ii) "health care" means any treatment, service, or procedure to diag-  
13 nose or treat an individual's physical or mental condition.

14 (b) Except as provided by paragraph (e) of this subdivision, the  
15 office of professional medical conduct shall require a licensee who has  
16 been found to have committed misconduct by the board for professional  
17 medical conduct or found guilty of a crime or liable of an offense in a  
18 court of law pursuant to paragraph (c) of this subdivision to disclose  
19 the following to current or new patients or the patient's health care  
20 representative on a separate written document: their status with the  
21 office of professional medical conduct or from a court of law; the  
22 length and expiration date of any penalties associated with such finding  
23 of misconduct; the cause or causes for disciplinary action stated in the  
24 order issued by the office of professional medical conduct or a court of  
25 law or in the issuance of an order of summary suspension signed by the  
26 commissioner; all practice restrictions placed on the licensee by the  
27 office of professional medical conduct or a court of law; the address of

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

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1 the office of professional medical conduct's website; and the office of  
2 professional medical conduct's telephone number. This notice shall be  
3 provided prior to the patient's first visit, or prior to the patient  
4 receiving health care from the licensee following the finding of miscon-  
5 duct by the board for professional medical conduct or of guilt or  
6 liability by a court of law of an offense in any of the circumstances  
7 listed in subparagraph (i), (ii), (iii), (iv), or (v) of paragraph (c)  
8 of this subdivision. A licensee required to provide a disclosure pursu-  
9 ant to this subdivision shall obtain from the patient, or their health  
10 care representative, a separate, signed copy of that disclosure prior to  
11 the patient entering the room where the licensee performs the treatment,  
12 service, procedure or other direct health care; or in a hospital, ambu-  
13 latory care center, or other health care facility prior to the licensee  
14 performing any treatment, service, procedure or other direct health  
15 care.

16 (c) The licensee shall provide the disclosure under the following  
17 circumstances:

18 (i) The licensee has been found to have committed misconduct by or  
19 entered into a stipulated settlement with the board for professional  
20 medical conduct or found liable or guilty by a court of law after a  
21 determination or stipulated settlement in any of the following offenses:

22 (A) the commission of any act of sexual abuse, misconduct, exploita-  
23 tion, or relation with a patient or client as defined in article one  
24 hundred thirty, article two hundred thirty, or article two hundred  
25 sixty-three of the penal law;

26 (B) drug or alcohol abuse directly resulting in harm to patients or  
27 the extent that such use impairs the ability of the licensee to practice  
28 safely;

29 (C) criminal conviction directly involving harm to patients health; or

30 (D) inappropriate prescribing resulting in harm to patients and a  
31 probationary period of five years or more.

32 (ii) The office of professional medical conduct or a court of law  
33 ordered a third-party chaperone shall be present when the licensee exam-  
34 ines patients as a result of sexual misconduct regardless if the licen-  
35 see has been placed on probation.

36 (iii) The licensee has not successfully completed a training program  
37 or any associated examinations required by the office of professional  
38 medical conduct or a court of law as a condition of probation.

39 (iv) The licensee has been on probation for any offense more than  
40 three times.

41 (v) An order of summary suspension against the licensee has been  
42 signed by the commissioner.

43 (d) The licensee shall obtain from each patient, or their health care  
44 representative, a signed copy of the disclosure following the disclosure  
45 described in paragraph (c) of this subdivision that includes a written  
46 explanation of how the patient can find further information on the  
47 licensee's actions on the office of professional medical conduct  
48 enforcement actions' website.

49 (e) The licensee shall not be required to provide the disclosure prior  
50 to performing any treatment, service, procedure, or other direct health  
51 care as required by this section, if in the health care professional's  
52 judgment, an emergency exists and the person is in immediate need of  
53 medical attention, and an attempt to secure consent would result in  
54 delay of treatment which would increase the risk to such person's life  
55 or health, or if the patient is incapacitated and the patient's health  
56 care representative is not reasonably available.

1 (f) Should a patient, or their health care representative, elect to  
2 cancel the patient's appointment, treatment, service, procedure, or  
3 other direct health care with the licensee upon being provided with the  
4 disclosure required by paragraph (c) of this subdivision, neither the  
5 patient nor the patient's insurance company shall be charged for the  
6 appointment.

7 (g) Any licensee who violates the provisions of this subdivision shall  
8 be subject to the penalties set forth in section two hundred thirty-a of  
9 this title. The office of professional medical conduct shall provide  
10 any licensee who is alleged to have violated the provisions of this  
11 subdivision with the protections set forth in subdivision ten of this  
12 section.

13 (h) The commissioner shall promulgate regulations to implement the  
14 requirements of this subdivision, and shall issue forms set forth that  
15 shall be used to satisfy the written requirement specified in this  
16 subdivision which shall also include:

17 (i) provisions that address a health care facility's responsibility to  
18 ensure the patient receives care from an appropriate individual or to  
19 transfer the patient if the patient refuses care from the licensee that  
20 has been found to have committed misconduct or has been found to be  
21 liable or guilty of an offense by a court of law pursuant to paragraph  
22 (c) of this subdivision and another individual is not available at the  
23 health care facility to provide care; and

24 (ii) provisions related to enforcing of the requirements of this  
25 subdivision.

26 § 2. This act shall take effect January 1, 2026 and shall apply to all  
27 probationary orders issued on or after such effective date. Effective  
28 immediately, the addition, amendment and/or repeal of any rule or regu-  
29 lation necessary for the implementation of this act on its effective  
30 date are authorized to be made and completed on or before such effective  
31 date.