S T A T E O F N E W Y O R K

1729

2009-2010 Regular Sessions

I N A S S E M B L Y

January 9, 2009

Introduced by M. of A. GOTTFRIED, TOWNS, SCHROEDER -- Multi-Sponsored by -- M. of A. AUBRY, BOYLAND, DINOWITZ, GALEF -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to hospital access of psychologists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 3 of section 2801-b of the public health law, as amended by chapter 605 of the laws of 2008, are amended to read as follows:

1. It shall be an improper practice for the governing body of a hospital to refuse to act upon an application for staff membership or professional privileges or to deny or withhold from a physician, podiatrist, optometrist, dentist [or], licensed midwife, OR PSYCHOLOGIST staff membership or professional privileges in a hospital, or to exclude or expel a physician, podiatrist, optometrist, dentist [or], licensed midwife OR PSYCHOLOGIST from staff membership in a hospital or curtail, terminate or diminish in any way a physician's, podiatrist's, optometrist's, dentist's [or], licensed midwife's OR PSYCHOLOGIST'S professional privileges in a hospital, without stating the reasons therefor, or if the reasons stated are unrelated to standards of patient care, patient welfare, the objectives of the institution or the character or competency of the applicant. It shall be an improper practice for a governing body of a hospital to refuse to act upon an application or to deny or to withhold staff membership or professional privileges to a podiatrist based solely upon a practitioner's category of licensure.

3. After the filing of any such complaint, the public health council shall make a prompt investigation in connection therewith. In conducting such investigation, the public health council is authorized to receive reports from the governing body of the hospital and the complainant, as the case may be, and the furnishing of such information to the public

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

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health council, or by the council to the governing body or complainant, shall not subject any person or hospital to any action for damages or other relief. Such information when received by the public health council, or its authorized representative, shall be kept confidential and shall be used solely for the purposes of this section and the improvement of the standards of patient care and patient welfare. The records of such proceedings shall not be admissible as evidence in any other action of any kind in any court or before any other tribunal, board, agency, or person. If the council shall determine after such investigation that cause exists for crediting the allegations of the complaint, the council shall promptly so advise the governing body of the hospital against which the complaint was made, and shall direct that such governing body make a review of the actions of such body in denying or withholding staff membership or professional privileges from the complainant physician, podiatrist, optometrist, dentist [or], licensed midwife OR PSYCHOLOGIST or in excluding or expelling such physician, podiatrist, optometrist, dentist [or], licensed midwife OR PSYCHOLOGIST from staff membership or in curtailing, terminating or in any way diminishing such physician's, podiatrist's, optometrist's, dentist's [or], licensed midwife's OR PSYCHOLOGIST'S professional privileges in the hospital.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, that the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of the provisions of this act on its effective date is authorized and directed to be completed on or before such date.