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

914

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring physicians to post a bond as a condition to certain civil proceedings and to provide for a risk management program for physicians

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

Section 1. Section 230 of the public health law is amended by adding a new subdivision 16-a to read as follows:

16-A. CIVIL PROCEEDINGS; BOND. IN ANY CASE WHERE A PHYSICIAN INSTITUTES A CIVIL PROCEEDING, THE BASIS OF WHICH IS A DISCIPLINARY PROCEEDING BROUGHT AGAINST SUCH PHYSICIAN PURSUANT TO THIS SECTION OR DISMISSAL FROM A HOSPITAL OR OTHER HEALTH CARE FACILITY, HE SHALL GIVE AN UNDERTAKING IN A TOTAL AMOUNT FIXED BY THE COURT, BUT NOT LESS THAN FIVE HUNDRED DOLLARS, TO PAY THE DEFENDANT ALL COSTS AND DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, WHICH MAY BE SUSTAINED IF THE DEFENDANT RECOVERS JUDGMENT OR IF IT IS FINALLY DECIDED THAT THE PLAINTIFF WAS NOT ENTITLED TO RELIEF.

S 2. Section 2805-j of the public health law is amended by adding a new subdivision 1-a to read as follows:

1-A. AS PART OF SUCH MALPRACTICE PREVENTION PROGRAM THE COMMISSIONER SHALL INCORPORATE RISK MANAGEMENT CURRICULA, THE PURPOSE OF WHICH SHALL BE TO REDUCE THE INCIDENCE OF MEDICAL AND DENTAL MALPRACTICE. SUCH CURRICULA SHALL INCLUDE DEPARTMENT SPONSORED SEMINARS, THE PUBLICATION OF BULLETINS AND OTHER WRITTEN MATERIALS AND ON-SITE RISK MANAGEMENT EVALUATION AND ASSISTANCE.

S 3. This act shall take effect immediately provided, however, that section one of this act shall only apply to civil proceedings commenced on and after such date.

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

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