

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:

- 1 Section 1. Section 230 of the public health law is amended by adding a
2 new subdivision 16-a to read as follows:
3 16-A. CIVIL PROCEEDINGS; BOND. IN ANY CASE WHERE A PHYSICIAN INSTI-
4 TUTES A CIVIL PROCEEDING, THE BASIS OF WHICH IS A DISCIPLINARY PROCEED-
5 ING BROUGHT AGAINST SUCH PHYSICIAN PURSUANT TO THIS SECTION OR DISMISSAL
6 FROM A HOSPITAL OR OTHER HEALTH CARE FACILITY, HE SHALL GIVE AN UNDER-
7 TAKING IN A TOTAL AMOUNT FIXED BY THE COURT, BUT NOT LESS THAN FIVE
8 HUNDRED DOLLARS, TO PAY THE DEFENDANT ALL COSTS AND DAMAGES, INCLUDING
9 REASONABLE ATTORNEY'S FEES, WHICH MAY BE SUSTAINED IF THE DEFENDANT
10 RECOVERS JUDGMENT OR IF IT IS FINALLY DECIDED THAT THE PLAINTIFF WAS NOT
11 ENTITLED TO RELIEF.
12 S 2. Section 2805-j of the public health law is amended by adding a
13 new subdivision 1-a to read as follows:
14 1-A. AS PART OF SUCH MALPRACTICE PREVENTION PROGRAM THE COMMISSIONER
15 SHALL INCORPORATE RISK MANAGEMENT CURRICULA, THE PURPOSE OF WHICH SHALL
16 BE TO REDUCE THE INCIDENCE OF MEDICAL AND DENTAL MALPRACTICE. SUCH
17 CURRICULA SHALL INCLUDE DEPARTMENT SPONSORED SEMINARS, THE PUBLICATION
18 OF BULLETINS AND OTHER WRITTEN MATERIALS AND ON-SITE RISK MANAGEMENT
19 EVALUATION AND ASSISTANCE.
20 S 3. This act shall take effect immediately provided, however, that
21 section one of this act shall only apply to civil proceedings commenced
22 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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