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

5548

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. TITUS, BENEDETTO, ORTIZ, CLARK, POWELL -- Multi-Sponsored by -- M. of A. BENJAMIN, COLTON, FARRELL, MARKEY, MAYERSOHN, PEOPLES, PHEFFER, N. RIVERA, ROBINSON, WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to a patient's right to know

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

Section 1. Section 18-a of the public health law is amended by adding a new subdivision 3 to read as follows:

3. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH HEALTH CARE PROFESSIONAL LICENSED, REGISTERED OR CERTIFIED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW SHALL MAKE AVAILABLE A PRINTED COPY OF ANY MEDICAL MALPRACTICE CONVICTIONS. THE INFORMATION SHALL BE PLACED IN A COMMON AREA AND MUST BE READILY AVAILABLE TO PATIENTS AND PROSPECTIVE PATIENTS. THIS INFORMATION WILL ONLY BE REQUIRED FOR ANY SUCH HEALTH CARE PROFESSIONAL WHO HAS BEEN CONVICTED OF ONE OR MORE INSTANCES OF MEDICAL MALPRACTICE. THE INFORMATION ON SUCH CONVICTIONS WILL BE FURNISHED FROM THE WEBSITES OF THE NEW YORK STATE DEPARTMENT OF HEALTH'S OFFICE OF PROFESSIONAL MEDICAL CONDUCT, THE STATE EDUCATION DEPARTMENT, AND ANY OTHER REPORTING AGENCY.

(B) ANY INDIVIDUAL WHO VIOLATES, DISOBEYS OR DISREGARDS THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE GUILTY OF A MISDEMEANOR AND SUBJECT TO A CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION AND A CIVIL PENALTY OF ONE THOUSAND DOLLARS FOR ANY SUBSEQUENT VIOLATION.

S 2. The public health law is amended by adding a new section 2801-g to read as follows:

S 2801-G. PATIENT'S RIGHT TO KNOW. 1. THE COMMISSIONER SHALL REQUIRE ALL GENERAL HOSPITALS, AND OTHER FACILITIES APPROVED PURSUANT TO THIS ARTICLE, TO MAKE AVAILABLE A PRINTED COPY OF MEDICAL MALPRACTICE

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

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CONVICTIONS AND/OR INFORMATION ABOUT THOSE PLACED ON PROBATION FOR ALL HEALTH CARE PRACTITIONERS PERFORMING ANY TYPE OF TREATMENT OR CONSULTATION IN SUCH HOSPITAL OR FACILITY. THIS INFORMATION SHALL BE PLACED IN A COMMON AREA OF SUCH HOSPITAL OR FACILITY AND SHALL BE READILY AVAILABLE TO PATIENTS AND PROSPECTIVE PATIENTS. THE INFORMATION ON SUCH CONVICTIONS AND/OR PROBATIONARY DISCIPLINARY ACTIONS WILL BE FURNISHED FROM THE WEBSITES OF THE NEW YORK STATE DEPARTMENT OF HEALTH'S OFFICE OF PROFESSIONAL MEDICAL CONDUCT, THE STATE EDUCATION DEPARTMENT, AND ANY OTHER REPORTING AGENCY.

2. ANY INDIVIDUAL OR FACILITY WHO VIOLATES, DISOBEYS OR DISREGARDS THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION AND A CIVIL PENALTY OF ONE THOUSAND DOLLARS FOR ANY SUBSEQUENT VIOLATION. ANY INDIVIDUAL WHO VIOLATES, DISOBEYS OR DISREGARDS THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

S 3. This act shall take effect on the ninetieth day after it shall have become a law.