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

7352

2009-2010 Regular Sessions

I N A S S E M B L Y

March 31, 2009

Introduced by M. of A. HAWLEY -- Multi-Sponsored by -- M. of A. CALHOUN, OAKS, THIELE, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a central registry of medical personnel terminated for cause

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

Section 1. The public health law is amended by adding a new section 2821 to read as follows:

S 2821. CENTRAL STATE REGISTRY OF EMPLOYEES OF MEDICAL FACILITIES TERMINATED FOR CAUSE. 1. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT IS AUTHORIZED TO AND SHALL ESTABLISH AND MAINTAIN A CENTRAL STATE REGISTRY IDENTIFYING PERSONNEL EMPLOYED BY MEDICAL FACILITIES WITHIN THE STATE WHO HAVE BEEN TERMINATED FROM THEIR EMPLOYMENT BY A MEDICAL FACILITY FOR CAUSE. THE REGISTRY SHALL MAINTAIN SUCH INFORMATION AS THE COMMISSION REQUIRES, INCLUDING, AT A MINIMUM, THE NAME, ADDRESS, DATE OF BIRTH, AND SOCIAL SECURITY NUMBER OF EACH PERSON SO TERMINATED, THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE TERMINATING FACILITY, THE DATE AND REASONS FOR THE TERMINATION, AND, TO THE EXTENT KNOWN BY THE MEDICAL FACILITY, WHETHER CRIMINAL CHARGES WERE FILED AGAINST THE PERSON TERMINATED. THE DEPARTMENT SHALL CONTINUE TO MAINTAIN IN THE REGISTRY THE INFORMATION REQUIRED TO BE KEPT PURSUANT TO THIS SECTION FOR EMPLOYEES OF MEDICAL FACILITIES FOR A PERIOD OF NOT LESS THAN FIVE YEARS FOLLOWING TERMINATION, RESIGNATION OR RETIREMENT, OR FAILURE TO BE HIRED OR RENEWED AT WHICH TIME THE DEPARTMENT SHALL PURGE FROM THE REGISTRY SUCH INFORMATION.

2. EACH MEDICAL FACILITY SHALL TRANSMIT THE REQUISITE INFORMATION, IN SUCH FORM AS IS PRESCRIBED BY THE COMMISSIONER, TO THE DEPARTMENT, NO LATER THAN THE FIFTEENTH CALENDAR DAY FOLLOWING THE TERMINATION OF EMPLOYMENT OF ANY PERSON WHO WAS TERMINATED FOR CAUSE OR ANY PERSON WHO RETIRED OR RESIGNED IN ORDER TO AVOID TERMINATION.

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

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3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, MEDICAL FACILITIES SHALL, UPON SUCH TERMS AND CONDITIONS AS THE DEPARTMENT SHALL BY RULES AND REGULATIONS PRESCRIBE, HAVE TIMELY ACCESS TO INFORMATION CONTAINED IN THE REGISTRY FOR THE PURPOSE OF MAKING SUCH INQUIRIES REGARDING PERSONS WHO ARE PRESENTLY EMPLOYED BY THE MEDICAL FACILITY OR WHO HAVE APPLIED FOR EMPLOYMENT WITH THE MEDICAL FACILITY.

4. THE INFORMATION REQUIRED TO BE SUBMITTED PURSUANT TO THIS SECTION WHICH IS REQUIRED BY LAW TO BE KEPT CONFIDENTIAL SHALL BE KEPT CONFIDENTIAL AND ALL OTHER INFORMATION SHALL BE RELEASED ONLY PURSUANT TO THE PROVISIONS OF THIS SECTION. THE DEPARTMENT SHALL ESTABLISH RULES AND REGULATIONS TO PROVIDE FOR A PERMANENT SYSTEM WHICH WILL ENSURE THE SECURITY AND PRIVACY OF INFORMATION CONTAINED IN THE REGISTRY AND TO ENSURE THAT SUCH INFORMATION IS MADE AVAILABLE ONLY FOR LEGITIMATE PURPOSES TO QUALIFIED MEDICAL FACILITIES AS PROVIDED IN THIS SECTION.

5. AS USED IN THIS SECTION, "MEDICAL FACILITY" MEANS ANY HOSPITAL, NURSING HOME OR RESIDENTIAL HEALTH CARE FACILITY AS DEFINED IN SECTION TWENTY-EIGHT HUNDRED ONE OF THIS ARTICLE OR A HOME CARE SERVICE AGENCY OR LIMITED HOME CARE SERVICE AGENCY AS DEFINED IN SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER.

S 2. This act shall take effect January 1, 2010.