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2013-2014 Regular Sessions

I N A S S E M B L Y

February 8, 2013

Introduced by M. of A. TITUS, BENEDETTO, ORTIZ, CLARK -- Multi-Sponsored
by -- M. of A. COLTON, FARRELL, MARKEY, PEOPLES-STOKES, 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 18-a of the public health law is amended by adding
2 a new subdivision 3 to read as follows:
3 3. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, EACH HEALTH CARE
4 PROFESSIONAL LICENSED, REGISTERED OR CERTIFIED PURSUANT TO TITLE EIGHT
5 OF THE EDUCATION LAW SHALL MAKE AVAILABLE A PRINTED COPY OF ANY MEDICAL
6 MALPRACTICE CONVICTIONS. THE INFORMATION SHALL BE PLACED IN A COMMON
7 AREA AND MUST BE READILY AVAILABLE TO PATIENTS AND PROSPECTIVE PATIENTS.
8 THIS INFORMATION WILL ONLY BE REQUIRED FOR ANY SUCH HEALTH CARE PROFES-
9 SIONAL WHO HAS BEEN CONVICTED OF ONE OR MORE INSTANCES OF MEDICAL MALP-
10 RACTICE. THE INFORMATION ON SUCH CONVICTIONS WILL BE FURNISHED FROM THE
11 WEBSITES OF THE NEW YORK STATE DEPARTMENT OF HEALTH'S OFFICE OF PROFES-
12 SIONAL MEDICAL CONDUCT, THE STATE EDUCATION DEPARTMENT, AND ANY OTHER
13 REPORTING AGENCY.
14 (B) ANY INDIVIDUAL WHO VIOLATES, DISOBEYS OR DISREGARDS THE PROVISIONS
15 OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL BE GUILTY OF A MISDEMEANOR
16 AND SUBJECT TO A CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR A FIRST
17 VIOLATION AND A CIVIL PENALTY OF ONE THOUSAND DOLLARS FOR ANY SUBSEQUENT
18 VIOLATION.
19 S 2. The public health law is amended by adding a new section 2801-h
20 to read as follows:
21 S 2801-H. PATIENT'S RIGHT TO KNOW. 1. THE COMMISSIONER SHALL REQUIRE
22 ALL GENERAL HOSPITALS, AND OTHER FACILITIES APPROVED PURSUANT TO THIS
23 ARTICLE, TO MAKE AVAILABLE A PRINTED COPY OF MEDICAL MALPRACTICE
24 CONVICTIONS AND/OR INFORMATION ABOUT THOSE PLACED ON PROBATION FOR ALL

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

LBD01730-01-3

1 HEALTH CARE PRACTITIONERS PERFORMING ANY TYPE OF TREATMENT OR CONSULTA-
2 TION IN SUCH HOSPITAL OR FACILITY. THIS INFORMATION SHALL BE PLACED IN A
3 COMMON AREA OF SUCH HOSPITAL OR FACILITY AND SHALL BE READILY AVAILABLE
4 TO PATIENTS AND PROSPECTIVE PATIENTS. THE INFORMATION ON SUCH
5 CONVICTIONS AND/OR PROBATIONARY DISCIPLINARY ACTIONS WILL BE FURNISHED
6 FROM THE WEBSITES OF THE NEW YORK STATE DEPARTMENT OF HEALTH'S OFFICE OF
7 PROFESSIONAL MEDICAL CONDUCT, THE STATE EDUCATION DEPARTMENT, AND ANY
8 OTHER REPORTING AGENCY.

9 2. ANY INDIVIDUAL OR FACILITY WHO VIOLATES, DISOBEYS OR DISREGARDS THE
10 PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE SUBJECT TO A
11 CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR A FIRST VIOLATION AND A CIVIL
12 PENALTY OF ONE THOUSAND DOLLARS FOR ANY SUBSEQUENT VIOLATION. ANY INDI-
13 VIDUAL WHO VIOLATES, DISOBEYS OR DISREGARDS THE PROVISIONS OF SUBDIVI-
14 SION ONE OF THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

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