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

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Cal. No. 646

2013-2014 Regular Sessions

I N A S S E M B L Y

May 23, 2013

Introduced by M. of A. BARRETT, RUSSELL, JAFFEE, HIKIND, GALEF, GOTTFRIED, ROBERTS, COOK, RAIA, McLAUGHLIN, SIMANOWITZ, CAHILL, SKOUFIS, FAHY, ROSENTHAL -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, CROUCH, GLICK, LALOR, LUPARDO, LUPINACCI, MAYER, RIVERA, SKARTADOS, SOLAGES, TENNEY, THIELE, WEISENBERG -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to the identification, charging, reporting and investigation of charges of professional misconduct by health care professionals

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 9-b to read as follows:

9-B. NEITHER THE BOARD FOR PROFESSIONAL MEDICAL CONDUCT NOR THE OFFICE OF PROFESSIONAL MEDICAL CONDUCT SHALL IDENTIFY, CHARGE, OR CAUSE A REPORT MADE TO THE DIRECTOR OF SUCH OFFICE TO BE INVESTIGATED BASED SOLELY UPON THE RECOMMENDATION OR PROVISION OF A TREATMENT MODALITY BY A LICENSEE THAT IS NOT UNIVERSALLY ACCEPTED BY THE MEDICAL PROFESSION, INCLUDING BUT NOT LIMITED TO, VARYING MODALITIES USED IN THE TREATMENT OF LYME DISEASE AND OTHER TICK-BORNE DISEASES. AS USED IN THIS SUBDIVISION THE TERM "LICENSEE" SHALL MEAN A PHYSICIAN, PHYSICIAN'S ASSISTANT, AND SPECIALIST'S ASSISTANT. WHEN A LICENSEE, ACTING IN ACCORDANCE WITH PARAGRAPH E OF SUBDIVISION FOUR OF SECTION SIXTY-FIVE HUNDRED TWENTY-SEVEN OF THE EDUCATION LAW, RECOMMENDS OR PROVIDES A TREATMENT MODALITY THAT EFFECTIVELY TREATS HUMAN DISEASE, PAIN, INJURY, DEFORMITY OR PHYSICAL CONDITION, THE RECOMMENDATION OR PROVISION OF THAT MODALITY

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

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SHALL NOT, BY ITSELF, CONSTITUTE PROFESSIONAL MISCONDUCT. THIS PROHIBITION SHALL NOT EXONERATE SUCH LICENSEE FROM OTHERWISE APPLICABLE PROFESSIONAL REQUIREMENTS.

S 2. This act shall take effect immediately.