

4764

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 8, 2013

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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.