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

7051

2013-2014 Regular Sessions

I N A S S E M B L Y

April 30, 2013

Introduced by M. of A. SIMOTAS, RIVERA -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to advertisements by physicians subject to proceedings for medical misconduct and actions for medical malpractice

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 230-e to read as follows:

S 230-E. DISCIPLINARY PROCEEDINGS AND MEDICAL MALPRACTICE; ADVERTISEMENTS. 1. ANY PERSON WHO HOLDS A LICENSE TO PRACTICE MEDICINE IN THIS STATE PURSUANT TO ARTICLE ONE HUNDRED THIRTY-ONE OF THE EDUCATION LAW WHO EITHER (A) WAS THE SUBJECT OF A PROCEEDING PURSUANT TO SECTION TWO HUNDRED THIRTY OF THIS TITLE THAT RESULTED IN THE REVOCATION, SURRENDER, SUSPENSION OR LIMITATION OF SUCH LICENSE; OR (B) RECEIVED A VERDICT OF GUILTY OR ENTERED INTO A SETTLEMENT AGREEMENT IN AN ACTION FOR MEDICAL MALPRACTICE; SHALL INCLUDE WITHIN ANY ADVERTISEMENT FOR THE PROVISION OF MEDICAL SERVICES BY SUCH PERSON, A STATEMENT REGARDING SUCH REVOCATION, SURRENDER, SUSPENSION OR LIMITATION OF SUCH LICENSE TO PRACTICE MEDICINE OR THE VERDICT OF GUILTY OR SETTLEMENT AGREEMENT IN SUCH ACTION FOR MEDICAL MALPRACTICE.

2. THE STATEMENT REQUIRED BY SUBDIVISION ONE OF THIS SECTION SHALL APPLY TO ANY FORM OR MEDIUM OF PRINT, AUDIO OR VISUAL ADVERTISEMENT. SUCH STATEMENT SHALL BE CONSPICUOUS AND MADE IN A MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER AND SHALL BE INCLUDED IN ANY ADVERTISEMENTS FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE REVOCATION, SURRENDER, SUSPENSION OR LIMITATION OF THE LICENSE TO PRACTICE MEDICINE OR THE DATE OF THE VERDICT OF GUILTY OR SETTLEMENT AGREEMENT IN AN ACTION FOR MEDICAL MALPRACTICE.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

LBD10420-02-3