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

7053

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 patient notification regarding 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; NOTICE TO PATIENTS. 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 PROVIDE NOTIFICATION TO SUCH PERSON'S PATIENTS AS SET FORTH IN SUBDIVISION TWO OF THIS SECTION.

2. ANY PERSON SUBJECT TO THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL:

(A) NOTIFY EACH PATIENT OF SUCH PERSON IN WRITING BY FIRST CLASS MAIL WITHIN THIRTY DAYS 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. UPON COMPLETION OF SUCH MAILING, SUCH PERSON SHALL FILE WITH THE COMMISSIONER A SWORN STATEMENT THAT SUCH MAILING WAS MADE. SUCH STATEMENT SHALL BE MADE IN A MANNER AND FORM TO BE DETERMINED BY THE COMMISSIONER AND CONTAIN INFORMATION THE COMMISSIONER DEEMS APPROPRIATE; AND

(B) NOTIFY EACH NEW PATIENT IN WRITING PRIOR TO ANY CONSULTATION WITH OR PROVISION OF ANY SERVICES FOR SUCH PATIENT FOR A PERIOD OF FIVE YEARS FROM THE DATE OF THE REVOCATION, SURRENDER, SUSPENSION OR LIMITATION OF

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

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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.