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

7854

I N S E N A T E

June 14, 2014

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 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.

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

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