# STATE OF NEW YORK

1142--A

2019-2020 Regular Sessions

# IN ASSEMBLY

January 14, 2019

Introduced by M. of A. SIMOTAS, RIVERA -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to patient notification regarding proceedings for medical misconduct, probation, 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:

**§ 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; (b) is currently the subject of ongoing proceedings pursuant to section two hundred thirty of this title; (c) has been placed on probation by the office of professional medical conduct; (d) has received discipline from the office of professional medical conduct that did not result in the revocation, surrender, suspension or limitation of such license; or (e) 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, of the commencement of a proceeding pursuant to section two hundred thirty of this title, of being placed on probation by the office of professional medical conduct,**

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

LBD01480-03-9

or of receiving discipline from the office of professional medical conduct that did not result in 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.

3. Any person who holds a license to practice medicine in this state pursuant to article one hundred thirty-one of the education law who is subject to mandatory supervision as a result of disciplinary action taken against them by the office of professional medical conduct, shall disclose to all patients that they are subject to such supervision due to such disciplinary action.

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