STATE OF NEW YORK

5011

2021-2022 Regular Sessions

IN ASSEMBLY

February 10, 2021

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

AN ACT to amend the public health law, in relation to reporting incidents of possible professional misconduct

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as "Clara's Law".

§ 2. Subdivision 1 of section 2803-e of the public health law, as added by chapter 866 of the laws of 1980, is amended by adding a new paragraph (c) to read as follows:

(c) Hospitals and other facilities approved pursuant to this article shall make a report or cause a report to be made within thirty days of every separate allegation of a sexual offense, as defined in article one hundred thirty of the penal law, by a health care practitioner which involves a patient.

§ 3. Subdivision 2 of section 2803-e of the public health law, as amended by chapter 542 of the laws of 2000, is amended and a new subdivision 4 is added to read as follows:

2. Reports of possible professional misconduct made pursuant to this section shall be made in writing to the education department with respect to all individuals licensed pursuant to title eight of the education law except that such reports shall be made to the department of health in the case of physicians, physician's assistants and specialist's assistants. **Reports for all allegations of a sexual offense pursuant to paragraph (c) of this section shall be made to the department of health in addition to the education department with respect to all individuals licensed pursuant to title eight of the education law.** Written reports shall include the following information:

(a) name, address, profession and license number of the individual;

(b) a description of the action taken by the hospital including the reason for the action and the date thereof, or the nature of the action

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

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or conduct which led to the resignation or withdrawal, and the date thereof, stated with sufficient specificity to allow a reasonable person to understand which of the reasons enumerated in subdivision one of this section led to the action of the hospital or the resignation or withdrawal of the individual, and, if the reason was an act or omission of the individual, the particular act or omission;

(c) any criminal conviction of which the hospital has knowledge; and

(d) such other information as the education department or the department of health shall require.

4. For purposes of this section the term "health care practitioner" shall mean a person licensed, certified or otherwise authorized to practice under title eight of the education law.

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