STATE OF NEW YORK

6434

2023-2024 Regular Sessions

IN ASSEMBLY

April 6, 2023

Introduced by M. of A. BURDICK -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the obligations of a physician upon the termination of a relationship with a patient

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

Section 1. Section 6527 of the education law is amended by adding a new subdivision 11 to read as follows:

11. (a) Notwithstanding any inconsistent provision of any general, special or local law, any licensed physician who or medical practice that voluntarily terminates a relationship with an existing patient shall:

(i) provide the patient with at least thirty days advance notice of the termination by written or electronic notice specifying the specific date, thirty days or more in the future, upon which the physician-patient relationship will terminate;

(ii) remain available to render care to the patient in accordance with regular practice hours if the patient needs immediate professional care, including care for emergencies;

(iii) renew the patient's existing prescriptions for medications for a least one month or for the period of time the prescription is authorized to be renewed for, if shorter than one month, provided the patient has been seen recently by the physician or medical practice and is eligible for the medication pursuant to a recent examination;

(iv) provide the patient with a medical plan that sets out what course of treatment or further care, based on the most recent exam by the physician or medical practice, the patient should follow up with within the three months following the date of the notice of termination;

(v) provide a list of referral sources or organizations the patient may contact to locate a physician, group or specialist, as applicable, who is accepting patients; and

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

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(vi) offer to transfer a copy of the patient's medical records to the patient's new physician.

(b) Nothing in this subdivision shall prohibit a licensed physician or medical practice from charging the reasonable costs of reproducing records in accordance with section seventeen of the public health law. The physician or medical group may include in the termination letter a notice to the patient specifying the costs associated with reproducing the records and request reimbursement from the patient.

(c) The provisions of this section shall not exempt any physician or medical practice from additional requirements imposed by Medicare, Medicaid, or a private health insurance plan with respect to the dismissal of a patient enrolled in such plan or covered by such insurance.

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