STATE OF NEW YORK

8245--A

2023-2024 Regular Sessions

IN ASSEMBLY

November 15, 2023

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to requiring hospitals to notify patients when physicians have been convicted of or been found civilly liable for a sexual offense

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

Section 1. The education law is amended by adding a new section 6511-a to read as follows:

§ 6511-a. Disclosure of sexual offense convictions. 1. Upon the conviction of any physician for a sexual offense as defined in article one hundred thirty of the penal law, or upon a finding of civil liability involving the commission of a sexual offense, committed against a patient of such physician, the physician shall provide to the court a list of all medical practices, offices, hospitals and health care facilities with which such physician has practiced or been affiliated. The court shall send notification to all such medical practices, offices, hospitals and other health care facilities that the physician has been convicted of a sexual offense or been held civilly liable for a sexual offense against a patient and that such office, practice, hospital or health care facility is required to provide all current and previous patients of such physician a disclosure which includes:

(a) the name, address, and license or registration number of such physician;

(b) any criminal conviction of such physician for a sexual offense as defined in article one hundred thirty of the penal law;

(c) the findings in any civil proceeding brought against such physician which resulted in liability for a sexual offense;

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

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(d) the penalties imposed upon such physician by the applicable state board having jurisdiction over matters of misconduct, and the duration of such penalties;

(e) the contact information for the appropriate state board;

(f) an explanation of how patients can find further information about any history of misconduct by such physician on the website of the department or applicable board; and

(g) how to report instances of misconduct by physicians.

2. Disclosures made pursuant to this section shall be in writing, and shall be sent to patients by certified or registered mail, return receipt requested, to their last known address and by electronic mail if an electronic mail address is on file.

3. The state board having jurisdiction over the licensing and conduct of physicians shall create a standard disclosure form for use as required under this section, and shall provide such disclosure form and any information required to be included on such disclosures on its website to be accessible by hospitals and other health care facilities approved pursuant to this article.

4. A medical office or practice or a hospital or health care facility shall notify the court that the disclosures to patients required by this section have been made. Such notice shall include how many disclosures were sent and the oldest dates of medical records available.

5. In the event the court is unable to notify a medical practice, office, hospital or other health care facility of the conviction of an affiliated physician, such information shall be relayed to the department. The department, in coordination with the department of health, shall make a reasonable effort to locate the medical records of such patients and send patients the disclosure form required by this section.

6. The penalty imposed by the board of regents on medical practices, offices, hospitals and health care facilities found guilty of violating subdivision one of this section by not fulfilling its disclosure requirements within thirty days shall be a fine of twenty thousand dollars for each thirty-day period until such disclosures are made.

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