STATE OF NEW YORK

3472

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. RIVERA, MANNION, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to submission of information to the department of health for physician profiles

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

Section 1. Paragraph (q) of subdivision 1 of section 2995-a of the public health law, as added by chapter 542 of the laws of 2000, is amended to read as follows:

(q) health care plans with which the licensee has contracts, employment, or other affiliation**; provided that the reporting of such information shall not be the responsibility of the physician, but shall be included and updated by the department utilizing provider network participation information, or other reliable sources of information submitted by health care plans**.

§ 2. Subdivision 4 of section 2995-a of the public health law, as amended by section 3 of part A of chapter 57 of the laws of 2015, is amended to read as follows:

4. Each physician shall periodically report to the department on forms and in the time and manner required by the commissioner any other information as is required by the department for the development of profiles under this section which is not otherwise reasonably obtainable. In addition to such periodic reports and providing the same information, each physician shall update his or her profile information within the six months prior to the [~~expiration date of such physician's registration period~~] **submission of the re-registration application**, as a condition of registration renewal under article one hundred thirty-one of the education law. Except for optional information provided, physicians shall notify the department of any change in the profile information within thirty days of such change.

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

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§ 3. Subdivision 6 of section 2995-a of the public health law, as added by chapter 542 of the laws of 2000, is amended to read as follows:

6. A physician may elect to have his or her profile omit certain information provided pursuant to paragraphs (l), (m)[~~,~~] and (n) [~~and (q)~~] of subdivision one of this section. In collecting information for such profiles and disseminating the same, the department shall inform physicians that they may choose not to provide such information required pursuant to paragraphs (l), (m)[~~,~~] and (n) [~~and (q)~~] of subdivision one of this section.

§ 4. Section 2995-a of the public health law is amended by adding a new subdivision 7-a to read as follows:

7-a. For purposes of this section, a physician may authorize a designee to register, transmit, enter or update information on his or her behalf, provided that:

(a) the designee so authorized is employed by the physician or the same professional practice or is under contract with such practice;

(b) the physician takes reasonable steps to ensure that such designee is sufficiently competent in the profile requirements; and

(c) the physician remains responsible for ensuring the accuracy of the information provided and for any failure to provide accurate information.

The commissioner shall establish in regulation reasonable parameters with regard to a physician's ability to authorize designees pursuant to this section, which shall include processes necessary to allow the department to: (i) grant access to the profile in a reasonably prompt manner to designees authorized by physicians; (ii) require that physicians notify the department upon terminating the authorization of any designee; and (iii) establish a mechanism to prevent such terminated designees from accessing the profile in a reasonably prompt manner following such notification.

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