STATE OF NEW YORK

6616

2023-2024 Regular Sessions

IN SENATE

May 1, 2023

Introduced by Sen. 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 and the education law, in relation to prohibited hospital interference with patient care

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 2831 to read as follows:

§ 2831. Interference with care; prohibited. 1. Except as provided in subdivision two of this section, if a health care practitioner licensed pursuant to title eight of the education law is acting in good faith, within the practitioner's scope of practice, and within the relevant standard of care, a hospital shall not:

(a) Limit the health care practitioner's provision of medically accurate and comprehensive information and resources to a patient regarding the patient's health status including, but not limited to, diagnosis, prognosis, recommended treatment, treatment alternatives, information about available services and where and how to obtain them, and any potential risks to the patient's health or life; or

(b) Prohibit the health care practitioner from providing health care services related to complications of pregnancy, including but not limited to health services related to miscarriage management and treatment for ectopic pregnancies, in cases in which failure to provide the service would violate the accepted standard of care or when the patient presents a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of medical attention could reasonably be expected to pose a risk:

i. to the patient's life; or

ii. of irreversible complications or impairment to the patient's bodily functions or any bodily organ or part.

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

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2. Nothing in this section prohibits a hospital from limiting a health care provider's practice to protect patients' physical safety.

3. A health care entity shall not discharge, demote, suspend, discipline, discriminate or otherwise retaliate against a health care practitioner for engaging in communications or providing services consistent with this section.

4. The department shall design, prepare, and make available online written materials to clearly inform health care practitioners and staff of the provisions of this section.

5. A patient, a health care practitioner, or an individual, who is aggrieved by a violation of subdivision one of this section, may bring a civil action against a hospital to enjoin further violations, recover damages or both, and shall recover costs and reasonable attorneys' fees.

§ 2. Subdivision 3 of section 6507 of the education law, is amended by adding a new paragraph d to read as follows:

d. Ensure that each licensee, registrant, or recipient of a limited permit to be a physician, physician's assistant, specialist assistant, pharmacist, pharmacy technician, registered professional nurse, licensed practical nurse, nurse practitioner, clinical nurse specialist, midwife, psychologist, licensed master social worker, licensed clinical social worker, occupational therapist, occupational therapy assistant, or mental health practitioner receives, upon licensure, registration, or issuance of a limited permit, the information prepared by the department of health under subdivision four of section twenty-eight hundred thirty-one of the public health law. Licensees, registrants, and recipients of limited permits shall be encouraged to share the information provided with their colleagues who are not subject to state licensure.

§ 3. If any clause, sentence, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof but shall be applied in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

§ 4. This act shall take effect immediately.