

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:

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

3 § 6511-a. Disclosure of sexual offense convictions. 1. Upon the
4 conviction of any physician for a sexual offense as defined in article
5 one hundred thirty of the penal law, or upon a finding of civil liabil-
6 ity involving the commission of a sexual offense, committed against a
7 patient of such physician, the physician shall provide to the court a
8 list of all medical practices, offices, hospitals and health care facil-
9 ities with which such physician has practiced or been affiliated. The
10 court shall send notification to all such medical practices, offices,
11 hospitals and other health care facilities that the physician has been
12 convicted of a sexual offense or been held civilly liable for a sexual
13 offense against a patient and that such office, practice, hospital or
14 health care facility is required to provide all current and previous
15 patients of such physician a disclosure which includes:

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

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

20 (c) the findings in any civil proceeding brought against such physi-
21 cian 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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1 (d) the penalties imposed upon such physician by the applicable state
2 board having jurisdiction over matters of misconduct, and the duration
3 of such penalties;

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

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

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

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

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

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

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

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

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