STATE OF NEW YORK

7432--A

2023-2024 Regular Sessions

IN SENATE

May 24, 2023

Introduced by Sens. MAY, MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law and the public health law, in relation to the practice of physicians licensed in another state or territory of the United States pursuant to a reciprocal agreement

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

Section 1. Section 6526 of the education law is amended by adding a new subdivision 11 to read as follows:

11. Any physician who is licensed in another state or territory of the United States may practice in the state of New York when such physician's state or other jurisdiction of licensure has entered into a reciprocal agreement with the state of New York for purposes of permitting such physicians to provide time-limited follow-up care via telehealth as defined by the reciprocal agreement solely to such physician's established patient or patients who reside permanently or temporarily outside of the physician's home state of licensure. Such reciprocal agreement shall be signed by the commissioner and the equivalent authority in the reciprocal state. A copy of such agreement shall be provided to the commissioner of health. For purposes of this subdivision "established patient" means a patient that the physician has: assumed the responsibility for making medical judgments regarding the health of the patient; sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient; and had at least one in-person visit with the patient within the past year. The physician shall be readily available for follow-up evaluation and oversight of treatment and outcomes of the patient and shall maintain such patient's records in accordance with applicable law.

(a) Prior to commencing practice pursuant to this subdivision:

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

LBD11038-03-3

(1) such physician shall provide written notification, in a form and format acceptable to the department, that such physician intends to practice in the state of New York pursuant to such reciprocal agreement;

(2) such physician must provide the department with evidence that such physician is currently licensed and in good standing in the reciprocal state and attest that the state of New York is not their primary state of practice and that they do not maintain an office or place to meet patients or receive calls within the state of New York;

(3) such physician shall pay a fee determined by the department; and

(4) such physician's name shall be published on the department's website.

(b) Any physician who practices in the state of New York pursuant to this subdivision shall consent to all the following as a condition of such practice:

(1) to the personal and subject matter jurisdiction and disciplinary authority of the board of regents, the board of professional medical conduct and the department of health as if the physician is a New York state licensee;

(2) to comply with applicable provisions of this title, the public health law, the rules of the board of regents, the state board for professional medical conduct established pursuant to section two hundred thirty of the public health law, and the regulations of the commissioner and the commissioner of health, relating to professional misconduct, disciplinary proceedings and penalties for professional misconduct;

(3) to the appointment of the secretary of state or other public official acceptable to the department, in the physician's state of licensure as the physician's agent upon whom process may be served in any action or proceeding by the department against such physician; and

(4) to any such additional conditions or requirements determined by the department, in consultation with the department of health.

(c) The authorization for any physician licensed in another state or territory of the United States to practice in New York state pursuant to this subdivision shall expire annually, unless renewed.

§ 2. Subdivision 2 of section 2999-cc of the public health law is amended by adding a new paragraph (aa) to read as follows:

(aa) a physician practicing pursuant to a reciprocal agreement with the commissioner of education under subdivision eleven of section sixty-five hundred twenty-six of the education law.

§ 3. This act shall take effect immediately.