

STATE OF NEW YORK

1560

2025-2026 Regular Sessions

IN ASSEMBLY

January 10, 2025

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to professional
misconduct based upon convictions of crimes and administrative
violations

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

1 Section 1. Paragraph (p) of subdivision 10 of section 230 of the
2 public health law, as amended by chapter 599 of the laws of 1996, is
3 amended to read as follows:

4 (p) Convictions of crimes or administrative violations. In cases of
5 professional misconduct based solely upon a violation of subdivision
6 nine of section sixty-five hundred thirty of the education law, the
7 director may direct that charges be prepared and served and may refer
8 the matter to a committee on professional conduct for its review and
9 report of findings, conclusions as to guilt, and determination, except
10 that in cases in which the misconduct is based upon the conviction of a
11 crime committed in the course of the licensee's practice of medicine,
12 the director shall direct that charges be prepared and served and
13 referred to a committee on professional conduct for its review and
14 report of findings, conclusions as to guilt, and determination. In such
15 cases, the notice of hearing shall state that the licensee shall file a
16 written answer to each of the charges and allegations in the statement
17 of charges no later than ten days prior to the hearing, and that any
18 charge or allegation not so answered shall be deemed admitted, that the
19 licensee may wish to seek the advice of counsel prior to filing such
20 answer that the licensee may file a brief and affidavits with the
21 committee on professional conduct, that the licensee may appear
22 personally before the committee on professional conduct, may be repres-
23 ented by counsel and may present evidence or sworn testimony in [~~his or~~
24 ~~her~~] such licensee's behalf, and the notice may contain such other

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

LBD04160-01-5

1 information as may be considered appropriate by the director. The
2 department may also present evidence or sworn testimony and file a brief
3 at the hearing. A stenographic record of the hearing shall be made. Such
4 evidence or sworn testimony offered to the committee on professional
5 conduct shall be strictly limited to evidence and testimony relating to
6 the nature and severity of the penalty to be imposed upon the licensee.
7 Where the charges are based on the conviction of state law crimes in
8 other jurisdictions, evidence may be offered to the committee which
9 would show that the conviction would not be a crime in New York state.
10 Where the charges are based on the conviction of a felony as defined in
11 the penal law, or as defined by the laws of another jurisdiction and
12 which if committed within this state would have constituted a felony in
13 this state, and said crimes having been committed in the course of the
14 licensee's practice of medicine, then a determination by the committee
15 sustaining said charge shall result in the revocation of a license,
16 unless the committee, having regard to the nature and circumstances of
17 the crime and history of the licensee is of the opinion that revocation
18 would be manifestly unjust, whereupon the committee may impose such
19 other penalties as set forth in section two hundred thirty-a of this
20 title, and in such case the reasons for the committee's determination
21 shall be set forth in its order. The committee on professional conduct
22 may reasonably limit the number of witnesses whose testimony will be
23 received and the length of time any witness will be permitted to testi-
24 fy. The determination of the committee shall be served upon the licensee
25 and the department in accordance with the provisions of paragraph (h) of
26 this subdivision. A determination pursuant to this subdivision may be
27 reviewed by the administrative review board for professional medical
28 conduct.
29 § 2. This act shall take effect immediately and shall apply to profes-
30 sional misconduct proceedings occurring on and after such date.