

# STATE OF NEW YORK

4972

2025-2026 Regular Sessions

## IN ASSEMBLY

February 10, 2025

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

AN ACT to amend the public health law, in relation to establishing an office of the state medical indemnity fund ombudsperson and a medical indemnity fund advisory panel

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

1 Section 1. The public health law is amended by adding two new sections  
2 2999-k and 2999-l to read as follows:

3 § 2999-k. Medical indemnity fund ombudsperson. 1. There is hereby  
4 established an office of the state medical indemnity fund ombudsperson  
5 for the purpose of receiving and resolving complaints affecting quali-  
6 fied plaintiffs, where appropriate, referring such complaints to the  
7 appropriate agencies and acting in concert with such agencies. The  
8 commissioner shall appoint a full-time medical indemnity fund ombudsperson  
9 to administer and supervise the office of the state medical indem-  
10 nity fund ombudsperson. The medical indemnity fund ombudsperson shall  
11 be selected from among individuals with expertise and experience in the  
12 field of neurological injuries and advocacy, and with such other quali-  
13 fications as shall be determined by the commissioner. Such ombudsperson  
14 may, with approval of the commissioner, appoint one or more authorized  
15 deputies to assist in their duties pursuant to this section; provided,  
16 however, that no such deputy shall have any conflict of interest, or be  
17 employed by the fund administrator or other party involved in the  
18 management of the fund. The medical indemnity fund ombudsperson shall,  
19 personally or through authorized deputies:

20 (a) identify, investigate and resolve complaints that are made by or  
21 on behalf of qualified plaintiffs, and that relate to actions, inactions  
22 or decisions that may adversely affect the health, safety, welfare or  
23 rights of qualified plaintiffs;

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

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1 (b) provide services to assist qualified plaintiffs, or their repre-  
2 sentatives, in navigating the fund and understanding the fund's regu-  
3 lations, guidelines and procedures;

4 (c) inform qualified plaintiffs, or their representatives, of their  
5 rights and means of obtaining the services, supplies and modifications  
6 to which they are entitled;

7 (d) analyze and monitor implementation of the laws and regulations  
8 relating to the fund; and

9 (e) carry out other such activities as the commissioner shall deter-  
10 mine appropriate.

11 2. Neither the medical indemnity fund ombudsperson, nor any of their  
12 deputies shall disclose to any person outside the office of the state  
13 medical indemnity fund ombudsperson any information obtained from a  
14 qualified plaintiff's records without the consent of the qualified  
15 plaintiff or their representative.

16 3. Within one year of the effective date of this section, and annually  
17 thereafter, the medical indemnity fund ombudsperson shall submit to the  
18 commissioner, the speaker of the assembly and the temporary president of  
19 the senate, a report which shall include, but not be limited to, a  
20 detailed summary of the activities of the office of the state medical  
21 indemnity fund ombudsperson, data regarding the complaints and issues  
22 within the fund, the process used in resolving issues, and recommenda-  
23 tions for legislative or regulatory amendments to improve the fund.

24 § 2999-1. Medical indemnity fund advisory panel. There is hereby  
25 established an advisory panel to be comprised of the commissioner, qual-  
26 ified plaintiffs or representatives of qualified plaintiffs, physicians,  
27 medical suppliers, advocates and other interested parties. The advisory  
28 panel shall be chaired by the commissioner and shall be composed of not  
29 less than nine additional members appointed by the governor, of which  
30 two shall be appointed upon recommendation of the temporary president of  
31 the senate and two shall be appointed upon the recommendation of the  
32 speaker of the assembly. The advisory panel shall meet biannually, with  
33 the first meeting occurring within one hundred eighty days of the effec-  
34 tive date of this section, to discuss the functioning of the fund and  
35 any relevant issues. The commissioner shall consider the input and  
36 comments of the advisory panel in drafting and amending regulations,  
37 guidelines or policies pertaining to the fund administration.

38 § 2. This act shall take effect on the ninetieth day after it shall  
39 have become a law. Effective immediately, the addition, amendment and/or  
40 repeal of any rule or regulation necessary for the implementation of  
41 this act on its effective date are authorized to be made and completed  
42 on or before such effective date.