

STATE OF NEW YORK

8828--A

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Health -- recommitted to the Committee on Health 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 public health law, in relation to providing guidelines, corrective actions, and transparency, and to reconfigure the composition of committees of professional conduct within the office of professional medical conduct

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

1 Section 1. Legislative intent. On May 15, 2025, Newsday published
2 "Broken Practice: Doctor misconduct on Long Island", a two-year investigation that found that forty-six doctors on Long Island were allowed
3 to practice freely for months or years despite criminal convictions
4 including fraud, sexual abuse and the illegal dispensing of opioids.

5 This legislature finds that the office of professional medical conduct
6 currently reviews complaints made against physicians to determine the
7 verity of allegations of professional misconduct. Yet there is currently
8 no uniform framework established in the law to outline specific penalties or actions that could be taken following the determination that a
9 licensee had violated professional misconduct law. Therefore, this
10 legislature establishes a uniform set of legal guidelines for penalties
11 and actions which can be taken by any committee to provide a more
12 uniform framework for the provision of justice.

13 Additionally, the legislature finds that to ensure a variety of opinions and expertise on the committees which investigate allegations of
14 professional misconduct, to include one physician, and two lay members,
15 one of whom shall hold a doctoral degree and are currently or have
16 previously taught medicine within an academic institution's department
17 of medicine or hold a master's in public health.

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

LBD13308-07-6

1 The legislature holds that to increase awareness of such office that
2 medical facilities should provide contact information and links to such
3 office's website available to the patients through printed forms in a
4 manner deemed fit by the commissioner of health.

5 Finally, to provide greater transparency to the operations of such
6 office, the legislature shall require final determinations of penalties
7 or actions against a licensee to be published on the office's website
8 and for notification to be provided to the source of the initial
9 complaint within ten days of the office making any final determinations.

10 § 2. The public health law is amended by adding a new section 230-f to
11 read as follows:

12 § 230-f. Guidelines for penalties and actions. Pursuant to section two
13 hundred thirty of this title, any penalty or action against a licensee
14 as determined by the office of professional medical conduct or any
15 committee thereof shall comply with the following maximum or minimum
16 guidelines for the issuance of penalties or actions associated with
17 professional misconduct pursuant to section sixty-five hundred thirty of
18 the education law or other violations under this section. The office of
19 professional medical conduct may use its discretion to make exemptions
20 to this section if an investigation finds there are unusual or extraor-
21 inary circumstances. Such maximum or minimum guidelines shall be as
22 follows:

23 1. For obtaining a license fraudulently, the maximum penalty shall be
24 revocation of a license and the minimum penalty shall be a reprimand
25 with a suspension of a license for up to two years. Any fine issued
26 shall be no less than ten thousand dollars.

27 2. For practicing the profession fraudulently or beyond its authorized
28 scope, the maximum penalty shall be revocation of a license, and the
29 minimum penalty shall be a reprimand with suspension of a license for up
30 to two years. Any fine issued shall be no less than ten thousand
31 dollars.

32 3. For practicing the profession with negligence on more than one
33 occasion, the maximum penalty shall be revocation of a license, and the
34 minimum penalty shall be suspension of a license for up to two years.
35 Any fine issued shall be no less than ten thousand dollars.

36 4. For practicing the profession with gross negligence on a particular
37 occasion, the maximum penalty shall be revocation of a license, and the
38 minimum penalty shall be a reprimand. Any fine issued shall be no less
39 than ten thousand dollars.

40 5. For practicing the profession with incompetence on more than one
41 occasion, the maximum penalty shall be revocation of a license, and the
42 minimum penalty shall be suspension of a license until the licensee
43 completes rehabilitation to the satisfaction of the board. Any fine
44 issued shall be no less than ten thousand dollars.

45 6. For practicing the profession with gross incompetence, the maximum
46 penalty shall be revocation of a license and the minimum penalty shall
47 be suspension of a license until the licensee completes rehabilitation
48 to the satisfaction of the board. Any fine issued shall be no less than
49 ten thousand dollars.

50 7. For practicing the profession while impaired by alcohol, drugs,
51 physical disability, or mental disability, the maximum penalty shall be
52 the revocation of a license, and the minimum penalty shall be suspension
53 of a license until the licensee completes rehabilitation to the satis-
54 faction of the board. Any fine issued shall be no more than five thou-
55 sand dollars.

1 8. For being a habitual abuser of alcohol, or being dependent on or a
2 habitual user of narcotics, barbiturates, amphetamines, hallucinogens,
3 or other drugs having similar effects, except for a licensee who is
4 maintained on an approved therapeutic regimen which does not impair the
5 ability to practice, or having a psychiatric condition which impairs the
6 licensee's ability to practice, the maximum penalty shall be the revoca-
7 tion of a license, and the minimum penalty shall be a suspension of a
8 license until the licensee completes rehabilitation to the satisfaction
9 of the board. Any fine issued shall be no less than ten thousand
10 dollars.

11 9. For being convicted of committing an act constituting a crime under
12 New York state law or federal law, the penalty shall be determined based
13 on the severity and classification of the crime the licensee had been
14 convicted of unless otherwise noted, and in accordance with the follow-
15 ing:

16 (a) For violations of the Americans with Disabilities Act, the maximum
17 penalty shall be revocation of a license, the minimum penalty shall be
18 the limitation of the license to a specified area or type of practice.
19 Any fines issued shall be no less than ten thousand dollars.

20 (b) For licensees who are convicted of illegal distribution of a
21 controlled substance, the maximum penalty shall be revocation of a
22 license, the minimum penalty shall be a reprimand and a suspension of a
23 license for up to three years. Any fines issued shall be no less than
24 ten thousand dollars.

25 10. For being convicted of committing an act constituting a crime
26 under the law of another jurisdiction and which, if committed within
27 this state, would have constituted a crime under New York state law,
28 discretion as to the penalties and actions taken shall be determined
29 based on the severity and classification of the crime the licensee has
30 been convicted of. If the licensee has had their medical license
31 revoked, suspended or has had other disciplinary action issued against
32 them in another jurisdiction then such disciplinary penalty or action
33 shall be equal or equivalent unless otherwise noted. Any fines issued
34 shall be no less than ten thousand dollars.

35 11. For refusing to provide professional service to a person because
36 of such person's race, creed, color or national origin, the maximum
37 penalty shall be revocation of a license, and the minimum penalty shall
38 be a suspension of a license. Any fines issued shall be no less than
39 five thousand dollars and no more than ten thousand dollars.

40 12. For permitting, aiding or abetting an unlicensed person to perform
41 activities requiring a license, the maximum penalty shall be suspension
42 of a license for up to one year and the minimum penalty shall be a
43 reprimand. Any fines issued shall be no more than five thousand dollars
44 and no less than one thousand dollars.

45 13. For practicing the profession while the license is suspended or
46 inactive as defined in subdivision thirteen of section two hundred thir-
47 ty of this title, for violating any term of probation or condition or
48 limitation imposed on the licensee pursuant to section two hundred thir-
49 ty of this title, or for willfully failing to register or notify the
50 department of education of any change of name or mailing address, or, if
51 a professional service corporation, willfully failing to comply with
52 sections fifteen hundred three and fifteen hundred fourteen of the busi-
53 ness corporation law, or, if a university faculty practice corporation
54 willfully failing to comply with paragraphs (b), (c) and (d) of section
55 fifteen hundred three and section fifteen hundred fourteen of the busi-
56 ness corporation law, the maximum penalty shall be suspension of a

1 license for up to one year and the minimum penalty shall be a reprimand.
2 Any fine issued shall be no less than ten thousand dollars.

3 14. For a willful violation by a licensee of subdivision eleven of
4 section two hundred thirty of the public health law, the penalty shall
5 be revocation of a license. Any fine issued shall be no less than ten
6 thousand dollars.

7 15. For a violation of section two hundred thirty-nine of this article
8 by a professional, or for a violation of section twenty-eight hundred
9 three-d, twenty-eight hundred five-k, or subparagraph (ii) of paragraph
10 (h) of subdivision ten of section two hundred thirty of this chapter,
11 the maximum penalty shall be revocation of a license and the minimum
12 penalty shall be a reprimand. Any fine issued shall be no less than ten
13 thousand dollars.

14 16. For failure to comply with an order issued pursuant to subdivision
15 seven, paragraph (a) of subdivision ten, or subdivision seventeen of
16 section two hundred thirty of this title, the maximum penalty shall be
17 revocation of a license, and the minimum penalty shall be a written
18 reprimand. Any fine issued under a penalty or action under this subdivi-
19 sion shall be no less than one thousand dollars and no more than ten
20 thousand dollars.

21 17. For a willful or grossly negligent failure to comply with substan-
22 tial provisions of federal, state, or local laws, rules, or regulations
23 governing the practice of medicine, the maximum penalty shall be revoca-
24 tion of a license and the minimum penalty shall be suspension of a
25 license. Any fine issued shall be no less than ten thousand dollars.

26 18. For exercising undue influence on the patient, including the
27 promotion of the sale of services, goods, appliances, or drugs in such
28 manner as to exploit the patient for the financial gain of the licensee
29 or of a third party, the maximum penalty shall be suspension for up to
30 five years, the minimum penalty shall be a reprimand. Any fine issued
31 shall be no more than ten thousand dollars.

32 19. For directly or indirectly offering, giving, soliciting, or
33 receiving or agreeing to receive, any fee or other consideration to or
34 from a third party for the referral of a patient or in connection with
35 the performance of professional services the maximum penalty shall be
36 revocation of a license and the minimum penalty shall be a reprimand.
37 Any fines issued shall be no less than ten thousand dollars.

38 20. For permitting any person to share in the fees for professional
39 services, other than: a partner, employee, associate in a professional
40 firm or corporation, professional subcontractor or consultant authorized
41 to practice medicine, or a legally authorized trainee practicing under
42 the supervision of a licensee, the maximum penalty shall be revocation
43 of a license and the minimum penalty shall be a reprimand. Any fines
44 issued shall be no less than five thousand dollars.

45 21. For conduct in the practice of medicine which evidences moral
46 unfitness to practice medicine, the maximum penalty shall be revocation
47 of a license and the minimum penalty shall be a reprimand. Any fines
48 issued shall be no less than five thousand dollars.

49 22. For willfully making or filing a false report, or failing to file
50 a report required by law or by the department of health or the education
51 department, or willfully impeding or obstructing such filing, or induc-
52 ing another person to do so, the maximum penalty shall be revocation of
53 a license, the minimum penalty shall be a reprimand. Any fines issued
54 shall be no less than ten thousand dollars.

55 23. For failing to make available to a patient, upon request, copies
56 of documents in the possession or under the control of the licensee

1 which have been prepared for and paid for by the patient or client, the
2 maximum penalty shall be the suspension of a license for up to six
3 months, and the minimum penalty shall be a written reprimand. Any fine
4 issued shall be no more than ten thousand dollars.

5 24. For revealing of personally identifiable facts, data, or informa-
6 tion obtained in a professional capacity without the prior consent of
7 the patient, except as authorized or required by law, the maximum penal-
8 ty shall be suspension of a license, the minimum penalty shall be a
9 reprimand. Any fine issued shall be no less than one thousand dollars
10 and no more than ten thousand dollars.

11 25. For practicing or offering to practice beyond the scope permitted
12 by law, or accepting and performing professional responsibilities which
13 the licensee knows or has reason to know that such licensee is not
14 competent to perform, or performing without adequate supervision profes-
15 sional services which the licensee is authorized to perform only under
16 the supervision of a licensed professional, except in an emergency situ-
17 ation where a person's life or health is in danger, the maximum penalty
18 shall be revocation of a license, the minimum penalty shall be a reprimand.
19 Any fines issued shall be no less than ten thousand dollars.

20 26. For delegating professional responsibilities to a person when the
21 licensee delegating such responsibilities knows or has reason to know
22 that such person is not qualified, by training, by experience, or by
23 licensure, to perform them, the maximum penalty shall be revocation of a
24 license, the minimum penalty shall be a reprimand. Any fines issued
25 shall be no less than ten thousand dollars.

26 27. For performing professional services which have not been duly
27 authorized by the patient or such patient's legal representative, the
28 maximum penalty shall be revocation of a license, the minimum penalty
29 shall be a reprimand. Any fines issued shall be no less than ten thou-
30 sand dollars.

31 28. For advertising or soliciting for patronage that is not in the
32 public interest the maximum penalty shall be a reprimand with a tempo-
33 rary suspension of a license, the minimum penalty shall be a reprimand.
34 Any fines issued shall be no more than five thousand dollars.

35 29. For failing to respond within thirty days to written communi-
36 cations from the department and to make available any relevant records
37 with respect to an inquiry or complaint about the licensee's profes-
38 sional misconduct, the maximum penalty shall be revocation of a license,
39 the minimum penalty shall be a reprimand. Any fines issued shall be no
40 more than five thousand dollars.

41 30. For violating any term of probation or condition or limitation
42 imposed on the licensee pursuant to section two hundred thirty of this
43 title, the maximum penalty shall be revocation of a license, and the
44 minimum penalty shall be a limitation on registration or issuance of any
45 further license. Any fines issued shall be no less than ten thousand
46 dollars.

47 31. For abandoning or neglecting a patient under and in need of imme-
48 diat professional care, the maximum penalty shall be revocation of a
49 license, and the minimum penalty shall be a reprimand. Any fines issued
50 shall be no more than ten thousand dollars.

51 32. For willfully harassing, abusing, or intimidating a patient,
52 either physically or verbally, the maximum penalty shall be revocation
53 of a license, and the minimum penalty shall be a reprimand. Any fines
54 issued shall be no more than ten thousand dollars.

55 33. For failing to maintain a record for each patient which accurately
56 reflects the evaluation and treatment of the patient, or for not retain-

1 ing all patient records for at least six years unless otherwise required
2 by law, the maximum penalty shall be suspension of a license, and the
3 minimum penalty shall be a reprimand. Any fines issued shall be no less
4 than one thousand dollars and no more than ten thousand dollars.

5 34. For failing to exercise appropriate supervision over persons who
6 are authorized to practice only under the supervision of the licensee,
7 the maximum penalty shall be suspension of a license for up to one year,
8 and the minimum penalty shall be a reprimand. Any fines issued shall be
9 no more than ten thousand dollars.

10 35. For guaranteeing that satisfaction or a cure will result from the
11 performance of professional services, the penalty shall be a reprimand.

12 36. For ordering of excessive tests, treatment, or use of treatment
13 facilities not warranted by the condition of the patient, the maximum
14 penalty shall be revocation of a license, and the minimum penalty shall
15 be reprimand. Any fines issued shall be no more than ten thousand
16 dollars.

17 37. For claiming or using any secret or special method of treatment
18 which the licensee refused to divulge to the department of health, the
19 maximum penalty shall be revocation of a license, and the minimum penal-
20 ty shall be reprimand. Any fines issued shall be no more than ten thou-
21 sand dollars.

22 38. For failing to wear an identifying badge, which shall be conspicu-
23 ously displayed and legible, indicating the practitioner's name and
24 professional title authorized pursuant to title eight of the education
25 law, while practicing as an employee or operator of a hospital, clinic,
26 group practice or multi-professional facility, or at a commercial estab-
27 lishment offering health services to the public, the penalty shall be a
28 reprimand. Any fines issued shall be no more than one thousand dollars.

29 39. For entering into an arrangement or agreement with a pharmacy for
30 the compounding and/or dispensing of coded or specially marked
31 prescriptions, the maximum penalty shall be revocation of a license, and
32 the minimum penalty shall be a reprimand. Any fine issued shall be no
33 less than five thousand dollars.

34 40. For failing to post conspicuously at the site of such practice the
35 name and licensure field of all of the principal professional licensees
36 engaged in the practice at that site, the maximum penalty shall be
37 suspension of a license and the minimum penalty shall be a reprimand.
38 Any fines issued shall be no more than ten thousand dollars.

39 41. For failing to provide access by qualified persons to patient
40 information in accordance with the standards set forth in section eigh-
41 teen of this chapter, the maximum penalty shall be suspension of a
42 license and the minimum penalty shall be a reprimand. Any fines issued
43 shall be no less than one thousand dollars and no more than ten thousand
44 dollars.

45 42. For knowingly or willfully performing a complete or partial autop-
46 sy on a deceased person without lawful authority, the maximum penalty
47 shall be a suspension of a license and the minimum penalty shall be a
48 reprimand. Any fines issued shall be no less than one thousand dollars
49 and no more than ten thousand dollars.

50 43. For failing to comply with a signed agreement to practice medicine
51 in New York state in an area designated by the commissioner of education
52 as having a shortage of physicians or refusing to repay medical educa-
53 tion costs in lieu of such required service, or failing to comply with
54 any provision of a written agreement with the state or any municipality
55 within which the licensee has agreed to provide medical service, or
56 refusing to repay funds in lieu of such service as consideration of

awards made by the state or any municipality thereof for the licensee's professional education in medicine, or failing to comply with any agreement entered into to aid the licensee's medical education, the maximum penalty shall be revocation of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no less than five thousand dollars and no more than ten thousand dollars.

44. For failing to complete forms or reports required for the reimbursement of a patient by a third party, the maximum penalty shall be revocation of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no less than five thousand dollars.

45. For, in the practice of ophthalmology, failing to provide a patient, upon request, with the patient's prescription including the name, address, and signature of the prescriber and the date of the prescription, the maximum penalty shall be revocation of a license and the minimum penalty shall be suspension of a license for up to six months. Any fines issued shall be no less than ten thousand dollars.

46. For a violation of section two hundred thirty-nine of this article by a professional, the maximum penalty shall be a limitation on registration or issuance of any further license and the minimum penalty shall be a requirement that a licensee pursue a course of education or training. Any fines issued shall be no more than two thousand dollars.

47. For failure to use scientifically accepted barrier precautions and infection control practices as established by the department pursuant to section two hundred thirty-a of this title as added by chapter seven hundred eighty-six of the laws of nineteen ninety-two, the maximum penalty shall be revocation of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no less than ten thousand dollars.

48. For a violation of section two hundred thirty-d of this title or regulations enacted thereunder, the maximum penalty shall be the suspension of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no less than five thousand dollars.

49. For, except for good cause shown, failing to provide within one day any relevant records or other information requested by the state or local department of health with respect to an inquiry into a report of a communicable disease as defined in the state sanitary code, or HIV/AIDS, the maximum penalty shall be revocation of a license or registration and the minimum penalty shall be a reprimand. Any fines issued shall be no more than two thousand dollars.

50. For performing a pelvic examination or supervising the performance of a pelvic examination in violation of subdivision seven of section twenty-five hundred four of this chapter, the maximum penalty shall be a suspension of a license, the minimum penalty shall be a reprimand. Any fines issued shall be no more than ten thousand dollars.

§ 3. Subdivisions 1 and 6 of section 230 of the public health law, subdivision 1 as amended by chapter 537 of the laws of 1998 and subdivision 6 as amended by chapter 266 of the laws of 1986, are amended to read as follows:

1. A state board for professional medical conduct is hereby created in the department in matters of professional misconduct as defined in sections sixty-five hundred thirty and sixty-five hundred thirty-one of the education law. Its physician members shall be appointed by the commissioner at least eighty-five percent of whom shall be from among nominations submitted by the medical society of the state of New York, the New York state osteopathic society, the New York academy of medicine, county medical societies, statewide specialty societies recognized

1 by the council of medical specialty societies, and the hospital associ-
2 ation of New York state. Its lay members shall be appointed by the
3 commissioner with the approval of the governor. The board of regents
4 shall also appoint twenty percent of the members of the board. Not less
5 than ~~[sixty-seven]~~ thirty-three percent of the members appointed by the
6 board of regents shall be physicians. Not less than eighty-five percent
7 of the physician members appointed by the board of regents shall be from
8 among nominations submitted by the medical society of the state of New
9 York, the New York state osteopathic society, the New York academy of
10 medicine, county medical societies, statewide medical societies recog-
11 nized by the council of medical specialty societies, and the hospital
12 association of New York state. Any failure to meet the percentage thresh-
13 olds stated in this subdivision shall not be grounds for invalidating
14 any action by or on authority of the board for professional medical
15 conduct or a committee or a member thereof. The board for professional
16 medical conduct shall consist of not fewer than ~~[eighteen]~~ seven physi-
17 cians licensed in the state for at least five years, two of whom shall
18 be doctors of osteopathy, and not fewer than two of whom shall be physi-
19 cians who dedicate a significant portion of their practice to the use of
20 non-conventional medical treatments who may be nominated by New York
21 state medical associations dedicated to the advancement of such treat-
22 ments, at least one of whom shall have expertise in palliative care~~[7~~
23 ~~and not fewer than seven lay members]~~. All physician members shall not
24 have any disciplinary actions or penalties found against them pursuant
25 to this section. The board shall include no fewer than eighteen lay
26 members, comprising individuals who possess a doctoral degree, have
27 never obtained a medical degree, and are currently or have formerly
28 engaged in teaching medicine within the department of medicine at an
29 academic institution. Alternatively, such lay members may hold a
30 master's degree in public health. An executive secretary shall be
31 appointed by the chairperson and shall be a licensed physician. Such
32 executive secretary shall not be a member of the board, shall hold
33 office at the pleasure of, and shall have the powers and duties assigned
34 and the annual salary fixed by, the chairperson. The chairperson shall
35 also assign such secretaries or other persons to the board as are neces-
36 sary.

37 6. Any committee on professional conduct appointed pursuant to the
38 provisions of this section shall consist of ~~[two physicians]~~ one physi-
39 cian and ~~[one]~~ two lay ~~[member]~~ members, one of whom shall hold a
40 doctoral degree and are currently or have formerly engaged in teaching
41 medicine within the department of medicine at an academic institution or
42 hold a master's degree in public health.

43 § 4. Subdivision 7 of section 230 of the public health law is amended
44 by adding a new paragraph (d) to read as follows:

45 (d) A licensee undergoing disciplinary proceedings by committee on
46 professional conduct shall disclose to the committee if they hold a
47 license to practice medicine in another jurisdiction outside of the
48 state of New York. If the licensee holds a license to practice medicine
49 in any jurisdiction outside of the state of New York the committee on
50 professional conduct shall review the licensee's record in those juris-
51 dictions to determine if the licensee has been subject to disciplinary
52 proceedings in any other state, territory or jurisdiction where they
53 were licensed to practice medicine and determine what was the outcome of
54 such disciplinary proceedings.

55 § 5. Paragraphs (b) and (g) of subdivision 10 of section 230 of the
56 public health law, paragraph (b) as amended by chapter 606 of the laws

1 of 1991 and paragraph (g) as amended by chapter 477 of the laws of 2008,
2 are amended to read as follows:

3 (b) Charges. The charges shall state the substance of the alleged
4 professional misconduct and shall state clearly and concisely the mate-
5 rial facts but not the evidence by which the charges are to be proved.
6 Charges filed against a licensee shall correspond to the prescribed set
7 of penalties and actions provided in section two hundred thirty-f of
8 this title.

9 (g) Results of hearing. The committee shall make (1) findings of fact,
10 (2) conclusions concerning the charges sustained or dismissed, and (3) a
11 determination regarding charges sustained or dismissed, and in the event
12 any of the charges have been sustained, of the penalty to be imposed or
13 appropriate action to be taken and the reasons for the determination.
14 Any penalty imposed or action to be taken must correspond to the guide-
15 lines provided in section two hundred thirty-f of this title. For the
16 committee to make a conclusion sustaining a charge, or determining a
17 penalty or the appropriate action to be taken, two members of the
18 committee must vote for such a conclusion or determination. The commit-
19 tee shall issue an order based on its determination. The committee's
20 findings, conclusions, determinations and order shall become public upon
21 issuance. However, if the time to request a review of the committee's
22 determination has not yet expired, or if the review has been requested
23 but no determination as a result of the review has been issued, such
24 publication shall include a statement advising that the licensee or the
25 department may request a review of the committee's determination. No
26 such statement is required if (a) the time to request such review has
27 expired without the filing of such request by either of the parties, or
28 (b) the licensee and the department both affirmatively decline to
29 request review of the committee's determination or fail to perfect such
30 review. In the event any or all such charges are dismissed, such
31 dismissal shall be made public within two business days.

32 § 6. Paragraph (h) of subdivision 11 of section 230 of the public
33 health law, as added by chapter 203 of the laws of 2020, is amended to
34 read as follows:

35 (h) (i) The office of professional medical conduct and the department
36 shall post on [~~its website~~] their websites information on patients'
37 rights and reporting options under this subdivision regarding profes-
38 sional misconduct[~~, which shall specifically include information on~~
39 ~~reporting instances of misconduct involving sexual harassment and~~
40 ~~assault~~]. All physicians' practice settings shall conspicuously post
41 signage, visible to their patients, directing such patients to the
42 office of professional medical conduct's website for information about
43 their rights and how to report professional misconduct. All signage
44 posted shall be no smaller than eight and a half inches by eleven inches
45 in size.

46 (ii) Medical facilities shall provide all pertinent contact informa-
47 tion to the office of professional medical conduct to patients in a
48 self-attestation form, including access to their website through a QR
49 code or link as deemed appropriate by the commissioner.

50 (iii) Within ten days of any final determination applying a penalty or
51 action against a licensee the office of professional medical conduct and
52 the department shall post on their websites the name, medical license
53 number, and the penalties or actions imposed for any licensee determined
54 to have committed a violation of professional misconduct.

55 (iv) If the source of complaint that instigated the investigation
56 provided contact information included an electronic mail address in

1 their initial complaint, then the office of professional medical conduct
2 shall inform the source of the complaint through electronic mail of the
3 final determination made in reference to the complaint within ten days.

4 § 7. Subdivision 11 of section 230 of the public health law is amended
5 by adding a new paragraph (i) to read as follows:

6 (i) Any licensee who is indicted in another jurisdiction for a crimi-
7 nal offense or is arrested pursuant to probable or reasonable cause, or
8 where it has been determined by a professional disciplinary agency that
9 there is sufficient evidence to conduct a review of such licensee, shall
10 notify the office of professional medical conduct of such action within
11 forty-eight hours.

12 § 8. This act shall take effect on the one hundred eightieth day after
13 it shall have become a law. Effective immediately, the addition, amend-
14 ment and/or repeal of any rule or regulation necessary for the implemen-
15 tation of this act on its effective date are authorized to be made and
16 completed on or before such effective date.