

# STATE OF NEW YORK

1476--A

2025-2026 Regular Sessions

## IN SENATE

January 10, 2025

Introduced by Sens. KRUEGER, BRISPORT, BROUK, FERNANDEZ, GONZALEZ, HINCHEY, HOYLMAN-SIGAL, JACKSON, MAYER, SALAZAR, WEBB -- 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 public health law, in relation to requiring certain health care providers to disclose the fact that the provider is on probation to current and new patients

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

1 Section 1. Section 230 of the public health law is amended by adding a  
2 new subdivision 20 to read as follows:

3 20. (a) As used in this subdivision:

4 (i) "health care representative" means a health care agent designated  
5 by an adult pursuant to article twenty-nine-C of this chapter, a health  
6 care surrogate selected to make a health care decision on behalf of a  
7 patient pursuant to section twenty-nine hundred ninety-four-d of this  
8 chapter, a guardian authorized to decide about health care pursuant to  
9 article eighty-one of the mental hygiene law, or a guardian appointed  
10 pursuant to section seventeen hundred fifty-b of the surrogate's court  
11 procedure act; and

12 (ii) "health care" means any treatment, service, or procedure to diag-  
13 nose or treat an individual's physical or mental condition.

14 (b) Except as provided by paragraph (e) of this subdivision, the  
15 office of professional medical conduct shall require a licensee who has  
16 been found to have committed misconduct by the board for professional  
17 medical conduct or found guilty of a crime or liable of an offense in a  
18 court of law pursuant to paragraph (c) of this subdivision to disclose  
19 the following to current or new patients or the patient's health care  
20 representative on a separate written document: their status with the  
21 office of professional medical conduct or from a court of law; the

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

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1 length and expiration date of any penalties associated with such finding  
2 of misconduct; the cause or causes for disciplinary action stated in the  
3 order issued by the office of professional medical conduct or a court of  
4 law or in the issuance of an order of summary suspension signed by the  
5 commissioner; all practice restrictions placed on the licensee by the  
6 office of professional medical conduct or a court of law; the address of  
7 the office of professional medical conduct's website; and the office of  
8 professional medical conduct's telephone number. This notice shall be  
9 provided prior to the patient's first visit, or prior to the patient  
10 receiving health care from the licensee following the finding of miscon-  
11 duct by the board for professional medical conduct or of guilt or  
12 liability by a court of law of an offense in any of the circumstances  
13 listed in subparagraph (i), (ii), (iii), (iv), or (v) of paragraph (c)  
14 of this subdivision. A licensee required to provide a disclosure pursu-  
15 ant to this subdivision shall obtain from the patient, or their health  
16 care representative, a separate, signed copy of that disclosure prior to  
17 the patient entering the room where the licensee performs the treatment,  
18 service, procedure or other direct health care; or in a hospital, ambu-  
19 latory care center, or other health care facility prior to the licensee  
20 performing any treatment, service, procedure or other direct health  
21 care.

22 (c) The licensee shall provide the disclosure under the following  
23 circumstances:

24 (i) The licensee has been found to have committed misconduct by or  
25 entered into a stipulated settlement with the board for professional  
26 medical conduct or found liable or guilty by a court of law after a  
27 determination or stipulated settlement in any of the following offenses:

28 (A) the commission of any act of sexual abuse, misconduct, exploita-  
29 tion, or relation with a patient or client as defined in article one  
30 hundred thirty, article two hundred thirty, or article two hundred  
31 sixty-three of the penal law;

32 (B) drug or alcohol abuse directly resulting in harm to patients or  
33 the extent that such use impairs the ability of the licensee to practice  
34 safely;

35 (C) criminal conviction directly involving harm to patients health; or

36 (D) inappropriate prescribing resulting in harm to patients and a  
37 probationary period of five years or more.

38 (ii) The office of professional medical conduct or a court of law  
39 ordered a third-party chaperone shall be present when the licensee exam-  
40 ines patients as a result of sexual misconduct regardless if the licen-  
41 see has been placed on probation.

42 (iii) The licensee has not successfully completed a training program  
43 or any associated examinations required by the office of professional  
44 medical conduct or a court of law as a condition of probation.

45 (iv) The licensee has been on probation for any offense more than  
46 three times.

47 (v) An order of summary suspension against the licensee has been  
48 signed by the commissioner.

49 (d) The licensee shall obtain from each patient, or their health care  
50 representative, a signed copy of the disclosure following the disclosure  
51 described in paragraph (c) of this subdivision that includes a written  
52 explanation of how the patient can find further information on the  
53 licensee's actions on the office of professional medical conduct  
54 enforcement actions' website.

55 (e) The licensee shall not be required to provide the disclosure prior  
56 to performing any treatment, service, procedure, or other direct health

1 care as required by this section, if in the health care professional's  
2 judgment, an emergency exists and the person is in immediate need of  
3 medical attention, and an attempt to secure consent would result in  
4 delay of treatment which would increase the risk to such person's life  
5 or health, or if the patient is incapacitated and the patient's health  
6 care representative is not reasonably available.

7 (f) Should a patient, or their health care representative, elect to  
8 cancel the patient's appointment, treatment, service, procedure, or  
9 other direct health care with the licensee upon being provided with the  
10 disclosure required by paragraph (c) of this subdivision, neither the  
11 patient nor the patient's insurance company shall be charged for the  
12 appointment.

13 (g) Any licensee who violates the provisions of this subdivision shall  
14 be subject to the penalties set forth in section two hundred thirty-a of  
15 this title. The office of professional medical conduct shall provide  
16 any licensee who is alleged to have violated the provisions of this  
17 subdivision with the protections set forth in subdivision ten of this  
18 section.

19 (h) The commissioner shall promulgate regulations to implement the  
20 requirements of this subdivision, and shall issue forms set forth that  
21 shall be used to satisfy the written requirement specified in this  
22 subdivision which shall also include:

23 (i) provisions that address a health care facility's responsibility to  
24 ensure the patient receives care from an appropriate individual or to  
25 transfer the patient if the patient refuses care from the licensee that  
26 has been found to have committed misconduct or has been found to be  
27 liable or guilty of an offense by a court of law pursuant to paragraph  
28 (c) of this subdivision and another individual is not available at the  
29 health care facility to provide care; and

30 (ii) provisions related to enforcing of the requirements of this  
31 subdivision.

32 § 2. This act shall take effect January 1, 2026 and shall apply to all  
33 probationary orders issued on or after such effective date. Effective  
34 immediately, the addition, amendment and/or repeal of any rule or regu-  
35 lation necessary for the implementation of this act on its effective  
36 date are authorized to be made and completed on or before such effective  
37 date.