

# STATE OF NEW YORK

1476--B

2025-2026 Regular Sessions

## IN SENATE

January 10, 2025

Introduced by Sens. KRUEGER, BRISPORT, BROUK, FERNANDEZ, GONZALEZ, HINCHEY, JACKSON, MAYER, SALAZAR, SEPULVEDA, 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 -- recommitted to the Committee on Higher Education in accordance with Senate Rule 6, sec. 8 -- 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 their disciplinary status 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 or entered into a stipulated  
17 settlement with the board for professional medical conduct or found  
18 guilty of a crime or liable of an offense in a court of law pursuant to

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

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1 paragraph (c) of this subdivision, or if a summary suspension against  
2 the licensee has been signed by the commissioner to disclose the follow-  
3 ing to current or new patients or the patient's health care represen-  
4 tative on a separate written document: their status with the office of  
5 professional medical conduct or from a court of law; the length and  
6 expiration date of any penalties associated with such finding of miscon-  
7 duct; the cause or causes for disciplinary action stated in the order  
8 issued by the board for professional medical conduct or a court of law  
9 or in the issuance of an order of summary suspension signed by the  
10 commissioner; all practice restrictions placed on the licensee by the  
11 board for professional medical conduct or a court of law; the address of  
12 the office of professional medical conduct's website; and the office of  
13 professional medical conduct's telephone number. This notice shall be  
14 provided prior to the patient's first visit, or prior to the patient  
15 receiving health care from the licensee following the finding of miscon-  
16 duct, entrance into stipulated settlement, or finding of guilt by the  
17 board for professional medical conduct or of guilt or liability by a  
18 court of law of an offense in any of the circumstances listed in subpar-  
19 agraph (i), (ii), (iii), (iv), or (v) of paragraph (c) of this subdivi-  
20 sion. A licensee required to provide a disclosure pursuant to this  
21 subdivision shall obtain from the patient, or their health care repre-  
22 sentative, a separate, signed copy of that disclosure prior to the  
23 patient entering the room where the licensee performs the treatment,  
24 service, procedure or other direct health care; or in a hospital, ambu-  
25 latory care center, or other health care facility prior to the licensee  
26 performing any treatment, service, procedure or other direct health  
27 care.

28 (c) The licensee shall provide the disclosure under the following  
29 circumstances:

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

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

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

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

42 (D) inappropriate prescribing and a probationary period of three years  
43 or more.

44 (ii) The board for professional medical conduct or a court of law  
45 ordered a third-party chaperone shall be present when the licensee exam-  
46 ines patients as a result of sexual misconduct regardless if the licen-  
47 see has been placed on probation.

48 (iii) The licensee has not successfully completed a training program  
49 or any associated examinations required by the board for professional  
50 medical conduct or a court of law as a condition of probation.

51 (iv) The licensee has been on probation for any offense more than a  
52 cumulative total of three years.

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

55 (d) The licensee shall obtain from each patient, or their health care  
56 representative, a signed copy of the disclosure following the disclosure

1 described in paragraph (c) of this subdivision that includes a written  
2 explanation of how the patient can find further information on the  
3 licensee's actions on the office of professional medical conduct  
4 enforcement actions' website.

5 (e) The licensee shall not be required to provide the disclosure prior  
6 to performing any treatment, service, procedure, or other direct health  
7 care as required by this section, if in the health care professional's  
8 judgment, an emergency exists and the person is in immediate need of  
9 medical attention, and an attempt to secure consent would result in  
10 delay of treatment which would increase the risk to such person's life  
11 or health, or if the patient is incapacitated and the patient's health  
12 care representative is not reasonably available.

13 (f) Should a patient, or their health care representative, elect to  
14 cancel the patient's appointment, treatment, service, procedure, or  
15 other direct health care with the licensee upon being provided with the  
16 disclosure required by paragraph (c) of this subdivision, neither the  
17 patient nor the patient's insurance company shall be charged for the  
18 appointment.

19 (g) Any licensee who is unable to provide evidence of compliance with  
20 the provisions of this subdivision shall be considered to be in  
21 violation of these provisions and shall be subject to the penalties set  
22 forth in section two hundred thirty-a of this title. The office of  
23 professional medical conduct shall provide any licensee who is alleged  
24 to have violated the provisions of this subdivision with the protections  
25 set forth in subdivision ten of this section.

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

30 (i) provisions that address a health care facility's responsibility to  
31 ensure the patient receives care from an appropriate individual or to  
32 transfer the patient if the patient refuses care from the licensee  
33 required to provide disclosure pursuant to these provisions and another  
34 individual is not available at the health care facility to provide care;  
35 and

36 (ii) provisions related to enforcing of the requirements of this  
37 subdivision.

38 § 2. This act shall take effect January 1, 2027 and shall apply to all  
39 orders issued on or after such effective date. Effective immediately,  
40 the addition, amendment and/or repeal of any rule or regulation neces-  
41 sary for the implementation of this act on its effective date are  
42 authorized to be made and completed on or before such effective date.