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:

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

20. (a) As used in this subdivision:

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

(ii) "health care" means any treatment, service, or procedure to diagnose or treat an individual's physical or mental condition.

(b) Except as provided by paragraph (e) of this subdivision, the office of professional medical conduct shall require a licensee who has been found to have committed misconduct by or entered into a stipulated settlement with the board for professional medical conduct or found 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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paragraph (c) of this subdivision, or if a summary suspension against the licensee has been signed by the commissioner to disclose the following to current or new patients or the patient's health care representative on a separate written document: their status with the office of professional medical conduct or from a court of law; the length and expiration date of any penalties associated with such finding of misconduct; the cause or causes for disciplinary action stated in the order issued by the board for professional medical conduct or a court of law or in the issuance of an order of summary suspension signed by the commissioner; all practice restrictions placed on the licensee by the board for professional medical conduct or a court of law; the address of the office of professional medical conduct's website; and the office of professional medical conduct's telephone number. This notice shall be provided prior to the patient's first visit, or prior to the patient receiving health care from the licensee following the finding of misconduct, entrance into stipulated settlement, or finding of guilt by the board for professional medical conduct or of guilt or liability by a court of law of an offense in any of the circumstances listed in subparagraph (i), (ii), (iii), (iv), or (v) of paragraph (c) of this subdivision. A licensee required to provide a disclosure pursuant to this subdivision shall obtain from the patient, or their health care representative, a separate, signed copy of that disclosure prior to the patient entering the room where the licensee performs the treatment, service, procedure or other direct health care; or in a hospital, ambulatory care center, or other health care facility prior to the licensee performing any treatment, service, procedure or other direct health care.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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