STATE OF NEW YORK

8007

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to specifying the settings in which an ultrasound or similar medical imaging device procedure may be offered

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

Section 1. Section 3517 of the public health law is renumbered section 3518 and a new section 3517 is added to read as follows:

§ 3517. Performance of ultrasounds. 1. An ultrasound, or a similar medical imaging device or procedure used for a medical, counseling, or diagnostic service or purpose, shall only be offered in the following settings:

(a) An organized and licensed clinic that provides direct medical, surgical, dental, optometric, or podiatric advice, services, or treatment to patients who remain less than twenty-four hours, and that may also provide diagnostic or therapeutic services to patients in the home as an incident to care provided at the clinic facility.

(b) An outpatient setting comprised of any facility, clinic, unlicensed clinic, center, office, or other setting that is not part of a general acute care facility and where anesthesia, except local anesthesia or peripheral nerve blocks, or both, is used in compliance with the community standard of practice, in doses that, when administered have the probability of placing a patient at risk for loss of the patient's life-preserving protective reflexes.

(c) A licensed health facility that is organized, maintained, and operated for the diagnosis, care, prevention, and treatment of human illness, physical, or mental, including convalescence and rehabilitation and including care during and after pregnancy, or for any one or more of these purposes, for one or more persons, to which the persons are admitted for a twenty-four-hour stay or longer, including a hospital, acute

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

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psychiatric hospital, skilled nursing facility, nursing home, intermediate care facility, congregate living health facility, hospice facility and a correctional treatment center operated by the department of corrections and community supervision or a county, city, or city and county law enforcement agency.

(d) A practice of a licensed physician or surgeon, a medical group practice, including a professional medical corporation organized under and governed by article forty-four of this chapter, another form of corporation controlled by physicians and surgeons, a medical partnership, a medical foundation exempt from licensure, or another lawfully organized group of physicians and surgeons that provides health care services.

(e) A practice of a licensed chiropractor, as defined in article one hundred thirty-two of the education law, or a lawfully organized group of licensed chiropractors that provides health care services.

(f) A practice of a licensed physical therapist, as defined in article one hundred thirty-six of the education law, or a lawfully organized group of licensed physical therapists that provides health care services.

(g) A facility affiliated with the settings described in paragraphs (a), (b), (c), (d), (e) or (f) of this subdivision.

(h) An exempt entity as described in section thirty-five hundred fifteen of this title.

2. This section does not apply to a practice of a licensed midwife providing care pursuant to article one hundred forty of the education law.

3. (a) Any person or entity that fails to comply with the requirements of this section is liable for a civil penalty of two thousand five hundred dollars ($2,500) for a first offense and five thousand dollars ($5,000) for each subsequent offense, in addition to costs and fees.

(b) An action to impose a civil penalty pursuant to this section may be brought by the attorney general or a county district attorney. For purposes of this subdivision, an offense is each ultrasound conducted in violation of this section.

(c) Costs, fees, and civil penalties collected pursuant to this section shall be paid to the office that brought the action as follows: (i) to the office of the attorney general; or (ii) to the treasurer of the county for the district attorney.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.