

# STATE OF NEW YORK

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8325

2025-2026 Regular Sessions

## IN SENATE

June 2, 2025

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

AN ACT to amend the education law and 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 inves-  
3 tigation that found that forty-six doctors on long island were allowed  
4 to practice freely for months or years despite criminal convictions  
5 including fraud, sexual abuse and the illegal dispensing of opioids.  
6 This legislature finds that the office of professional medical conduct  
7 currently reviews complaints made against physicians to determine the  
8 verity of allegations of professional misconduct. Yet there is currently  
9 no uniform framework established in the law to outline specific penal-  
10 ties or actions that could be taken following the determination that a  
11 licensee had violated professional misconduct law. Therefore, this  
12 legislature establishes a uniform set of legal guidelines for penalties  
13 and actions which can be taken by any committee to provide a more  
14 uniform framework for the provision of justice.  
15 Currently, licensees offering to provide services for sexual favors,  
16 or engaging in sexual impropriety or sexual contact are not prohibited  
17 under the professional misconduct law. As such, this legislature finds  
18 that such actions should be prohibited under the law.  
19 Additionally, the legislature finds that to ensure a variety of opin-  
20 ions and expertise on the committees which investigate allegations of  
21 professional misconduct, to include one physician, and two lay members,  
22 one of whom shall hold a doctor of philosophy (PhD) degree and are

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

LBD13308-02-5

1 currently or have previously taught medicine within an academic insti-  
2 tution's department of medicine or hold a master's in public health.

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

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

12 § 2. Section 6530 of the education law is amended by adding three new  
13 subdivisions 51, 52 and 53 to read as follows:

14 51. Sexual impropriety, including but not limited to verbal or phys-  
15 ical behavior, gestures, or expressions that could be reasonably inter-  
16 preted as sexual, disrespectful of patient privacy, or sexually demean-  
17 ing to a patient.

18 52. Physical sexual contact between a licensee and patient, or any  
19 examination of the breasts or genitals without appropriate consent from  
20 a patient or such patient's surrogate.

21 53. For offering to provide practice-related services in exchange for  
22 sexual favors.

23 § 3. The public health law is amended by adding a new section 230-f to  
24 read as follows:

25 § 230-f. Guidelines for penalties and actions. Pursuant to section two  
26 hundred thirty of this title, any penalty or action against a licensee  
27 as determined by the office of professional medical conduct or any  
28 committee thereof shall comply with the following maximum or minimum  
29 guidelines for the issuance of penalties or actions associated with  
30 professional misconduct pursuant to section sixty-five hundred thirty of  
31 the education law or other violations under this section. The office of  
32 professional medical conduct may use its discretion to make exemptions  
33 to this section if an investigation finds there are unusual or extraor-  
34 ordinary circumstances. Such maximum or minimum guidelines shall be as  
35 follows:

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

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

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

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

53 5. For practicing the profession with incompetence on more than one  
54 occasion, the maximum penalty shall be revocation of a license, and the  
55 minimum penalty shall be suspension of a license until the licensee

1 completes rehabilitation to the satisfaction of the board. Any fine  
2 issued shall be no less than ten thousand dollars.

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

8 7. For practicing the profession while impaired by alcohol, drugs,  
9 physical disability, or mental disability, the maximum penalty shall be  
10 the revocation of a license, and the minimum penalty shall be suspension  
11 of a license until the licensee completes rehabilitation to the satis-  
12 faction of the board. Any fine issued shall be no more than five thou-  
13 sand dollars.

14 8. For being a habitual abuser of alcohol, or being dependent on or a  
15 habitual user of narcotics, barbiturates, amphetamines, hallucinogens,  
16 or other drugs having similar effects, except for a licensee who is  
17 maintained on an approved therapeutic regimen which does not impair the  
18 ability to practice, or having a psychiatric condition which impairs the  
19 licensee's ability to practice, the maximum penalty shall be the revoca-  
20 tion of a license, and the minimum penalty shall be a suspension of a  
21 license until the licensee completes rehabilitation to the satisfaction  
22 of the board. Any fine issued shall be no less than ten thousand  
23 dollars.

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

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

33 (b) If an individual is convicted for sexual abuse or harassment, then  
34 the penalty shall be revocation of a license. Any fines issued shall be  
35 no less than ten thousand dollars.

36 (c) For licensees who are convicted of illegal distribution of a  
37 controlled substance, the maximum penalty shall be revocation of a  
38 license, the minimum penalty shall be a reprimand and a suspension of a  
39 license for up to three years. Any fines issued shall be no less than  
40 ten thousand dollars.

41 10. For being convicted of committing an act constituting a crime  
42 under the law of another jurisdiction and which, if committed within  
43 this state, would have constituted a crime under New York state law,  
44 discretion as to the penalties and actions taken shall be determined  
45 based on the severity and classification of the crime the licensee has  
46 been convicted of. If the licensee has had their medical license  
47 revoked, suspended or has had other disciplinary action issued against  
48 them in another jurisdiction then such disciplinary penalty or action  
49 shall be equal or equivalent unless otherwise noted. If an individual  
50 has been convicted for crimes related to sexual abuse or harassment,  
51 then the penalty shall be revocation of a license. Any fines issued  
52 shall be no less than ten thousand dollars.

53 11. For refusing to provide professional service to a person because  
54 of such person's race, creed, color or national origin, the maximum  
55 penalty shall be revocation of a license, and the minimum penalty shall

1 be a suspension of a license. Any fines issued shall be no less than  
2 five thousand dollars and no more than ten thousand dollars.

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

8 13. For practicing the profession while the license is suspended or  
9 inactive as defined in subdivision thirteen of section two hundred thir-  
10 ty of this title, for violating any term of probation or condition or  
11 limitation imposed on the licensee pursuant to section two hundred thir-  
12 ty of this title, or for willfully failing to register or notify the  
13 department of education of any change of name or mailing address, or, if  
14 a professional service corporation, willfully failing to comply with  
15 sections fifteen hundred three and fifteen hundred fourteen of the busi-  
16 ness corporation law, or, if a university faculty practice corporation  
17 willfully failing to comply with paragraphs (b), (c) and (d) of section  
18 fifteen hundred three and section fifteen hundred fourteen of the busi-  
19 ness corporation law, the maximum penalty shall be suspension of a  
20 license for up to one year and the minimum penalty shall be a reprimand.  
21 Any fine issued shall be no less than ten thousand dollars.

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

26 15. For a violation of section two hundred thirty-nine of this article  
27 by a professional, or for a violation of section twenty-eight hundred  
28 three-d, twenty-eight hundred five-k, or subparagraph (ii) of paragraph  
29 (h) of subdivision ten of section two hundred thirty of this chapter,  
30 the maximum penalty shall be revocation of a license and the minimum  
31 penalty shall be a reprimand. Any fine issued shall be no less than ten  
32 thousand dollars.

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

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

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

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

1 20. For permitting any person to share in the fees for professional  
2 services, other than: a partner, employee, associate in a professional  
3 firm or corporation, professional subcontractor or consultant authorized  
4 to practice medicine, or a legally authorized trainee practicing under  
5 the supervision of a licensee, the maximum penalty shall be revocation  
6 of a license and the minimum penalty shall be a reprimand. Any fines  
7 issued shall be no less than five thousand dollars.

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

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

18 23. For failing to make available to a patient, upon request, copies  
19 of documents in the possession or under the control of the licensee  
20 which have been prepared for and paid for by the patient or client, the  
21 maximum penalty shall be the suspension of a license for up to six  
22 months, and the minimum penalty shall be a written reprimand. Any fine  
23 issued shall be no more than ten thousand dollars.

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

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

39 26. For delegating professional responsibilities to a person when the  
40 licensee delegating such responsibilities knows or has reason to know  
41 that such person is not qualified, by training, by experience, or by  
42 licensure, to perform them, the maximum penalty shall be revocation of a  
43 license, the minimum penalty shall be a reprimand. Any fines issued  
44 shall be no less than ten thousand dollars.

45 27. For performing professional services which have not been duly  
46 authorized by the patient or such patient legal representative, the  
47 maximum penalty shall be revocation of a license, the minimum penalty  
48 shall be a reprimand. Any fines issued shall be no less than ten thou-  
49 sand dollars.

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

54 29. For failing to respond within thirty days to written communi-  
55 cations from the department and to make available any relevant records  
56 with respect to an inquiry or complaint about the licensee's profes-

1 sional misconduct, the maximum penalty shall be revocation of a license,  
2 the minimum penalty shall be a reprimand. Any fines issued shall be no  
3 more than five thousand dollars.

4 30. For violating any term of probation or condition or limitation  
5 imposed on the licensee pursuant to section two hundred thirty of this  
6 title, the maximum penalty shall be revocation of a license, and the  
7 minimum penalty shall be a limitation on registration or issuance of any  
8 further license. Any fines issued shall be no less than ten thousand  
9 dollars.

10 31. For abandoning or neglecting a patient under and in need of imme-  
11 diate professional care, the maximum penalty shall be revocation of a  
12 license, and the minimum penalty shall be a reprimand. Any fines issued  
13 shall be no more than ten thousand dollars.

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

18 33. For failing to maintain a record for each patient which accurately  
19 reflects the evaluation and treatment of the patient, or for not retain-  
20 ing all patient records for at least six years unless otherwise required  
21 by law, the maximum penalty shall be suspension of a license, and the  
22 minimum penalty shall be a reprimand. Any fines issued shall be no less  
23 than one thousand dollars and no more than ten thousand dollars.

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

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

31 36. For ordering of excessive tests, treatment, or use of treatment  
32 facilities not warranted by the condition of the patient, the maximum  
33 penalty shall be revocation of a license, and the minimum penalty shall  
34 be reprimand. Any fines issued shall be no more than ten thousand  
35 dollars.

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

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

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

53 40. For failing to post conspicuously at the site of such practice the  
54 name and licensure field of all of the principal professional licensees  
55 engaged in the practice at that site, the maximum penalty shall be

1 suspension of a license and the minimum penalty shall be a reprimand.  
2 Any fines issued shall be no more than ten thousand dollars.

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

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

14 43. For failing to comply with a signed agreement to practice medicine  
15 in New York state in an area designated by the commissioner of education  
16 as having a shortage of physicians or refusing to repay medical educa-  
17 tion costs in lieu of such required service, or failing to comply with  
18 any provision of a written agreement with the state or any municipality  
19 within which the licensee has agreed to provide medical service, or  
20 refusing to repay funds in lieu of such service as consideration of  
21 awards made by the state or any municipality thereof for the licensee's  
22 professional education in medicine, or failing to comply with any agree-  
23 ment entered into to aid the licensee's medical education, the maximum  
24 penalty shall be revocation of a license and the minimum penalty shall  
25 be a reprimand. Any fines issued shall be no less than five thousand  
26 dollars and no more than ten thousand dollars.

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

31 45. For, in the practice of psychiatry, (a) any physical contact of a  
32 sexual nature between a licensee and a patient except the use of films  
33 or other audiovisual aids with individuals or groups in the development  
34 of appropriate responses to overcome sexual dysfunction, or (b) in ther-  
35 apy groups, activities which promote explicit physical sexual contact  
36 between group members during sessions, the maximum penalty shall be  
37 revocation of a license and the minimum penalty shall be a reprimand.  
38 Any fines issued shall be no less than ten thousand dollars.

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

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

50 48. For failure to use scientifically accepted barrier precautions and  
51 infection control practices as established by the department pursuant to  
52 section two hundred thirty-a of this title as added by chapter 786 of  
53 the laws of 1992, the maximum penalty shall be revocation of a license  
54 and the minimum penalty shall be a reprimand. Any fines issued shall be  
55 no less than ten thousand dollars.

1 49. For a violation of section two hundred thirty-d of this title or  
2 regulations enacted thereunder, the maximum penalty shall be the suspen-  
3 sion of a license and the minimum penalty shall be a reprimand. Any  
4 finis issued shall be no less than five thousand dollars.

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

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

17 52. For engaging in sexual impropriety, the penalty shall be revoca-  
18 tion of a license. Any fine issued shall be no less than ten thousand  
19 dollars.

20 53. For physical sexual contact between a licensee and patient, or any  
21 examination of the breasts or genitals without appropriate consent from  
22 a parent or guardian, the penalty shall be revocation of a license. Any  
23 fine issued shall be no less than ten thousand dollars.

24 54. For offering to provide practice-related services in exchange for  
25 sexual favors, the penalty shall be revocation of a license. Any fine  
26 issued shall be no less than ten thousand dollars.

27 § 4. Subdivisions 1 and 6 of section 230 of the public health law,  
28 subdivision 1 as amended by chapter 537 of the laws of 1998 and subdivi-  
29 sion 6 as amended by chapter 266 of the laws of 1986, are amended to  
30 read as follows:

31 1. A state board for professional medical conduct is hereby created in  
32 the department in matters of professional misconduct as defined in  
33 sections sixty-five hundred thirty and sixty-five hundred thirty-one of  
34 the education law. Its physician members shall be appointed by the  
35 commissioner at least eighty-five percent of whom shall be from among  
36 nominations submitted by the medical society of the state of New York,  
37 the New York state osteopathic society, the New York academy of medi-  
38 cine, county medical societies, statewide specialty societies recognized  
39 by the council of medical specialty societies, and the hospital associ-  
40 ation of New York state. Its lay members shall be appointed by the  
41 commissioner with the approval of the governor. The board of regents  
42 shall also appoint twenty percent of the members of the board. Not less  
43 than [~~sixty-seven~~] thirty-three percent of the members appointed by the  
44 board of regents shall be physicians. Not less than eighty-five percent  
45 of the physician members appointed by the board of regents shall be from  
46 among nominations submitted by the medical society of the state of New  
47 York, the New York state osteopathic society, the New York academy of  
48 medicine, county medical societies, statewide medical societies recog-  
49 nized by the council of medical specialty societies, and the hospital  
50 association of New York state. Any failure to meet the percentage thres-  
51 holds stated in this subdivision shall not be grounds for invalidating  
52 any action by or on authority of the board for professional medical  
53 conduct or a committee or a member thereof. The board for professional  
54 medical conduct shall consist of not fewer than [~~eighteen~~] seven physi-  
55 cians licensed in the state for at least five years, two of whom shall  
56 be doctors of osteopathy, and not fewer than two of whom shall be physi-

1 cians who dedicate a significant portion of their practice to the use of  
2 non-conventional medical treatments who may be nominated by New York  
3 state medical associations dedicated to the advancement of such treat-  
4 ments, at least one of whom shall have expertise in palliative care[  
5 ~~and not fewer than seven lay members~~]. All physician members shall not  
6 have any disciplinary actions or penalties found against them pursuant  
7 to this section. The board shall include no fewer than eighteen lay  
8 members, comprising individuals who possess a doctoral degree, have  
9 never obtained a medical degree, and are currently or have formerly  
10 engaged in teaching medicine within the department of medicine at an  
11 academic institution. Alternatively, such lay members may hold a  
12 master's degree in public health. An executive secretary shall be  
13 appointed by the chairperson and shall be a licensed physician. Such  
14 executive secretary shall not be a member of the board, shall hold  
15 office at the pleasure of, and shall have the powers and duties assigned  
16 and the annual salary fixed by, the chairperson. The chairperson shall  
17 also assign such secretaries or other persons to the board as are neces-  
18 sary.

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

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

27 (d) A licensee undergoing disciplinary proceedings by committee on  
28 professional conduct shall disclose to the committee if they hold a  
29 license to practice medicine in another jurisdiction outside of the  
30 state of New York. If the licensee holds a license to practice medicine  
31 in any jurisdiction outside of the state of New York the committee on  
32 professional conduct shall review the licensee's record in those juris-  
33 dictions to determine if the licensee has been subject to disciplinary  
34 proceedings in any other state, territory or jurisdiction where they  
35 were licensed to practice medicine and determine what was the outcome of  
36 such disciplinary proceedings.

37 § 6. Paragraphs (b) and (g) of subdivision 10 of section 230 of the  
38 public health law, paragraph (b) as amended by chapter 606 of the laws  
39 of 1991 and paragraph (g) as amended by chapter 477 of the laws of 2008,  
40 are amended to read as follows:

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

47 (g) Results of hearing. The committee shall make (1) findings of fact,  
48 (2) conclusions concerning the charges sustained or dismissed, and (3) a  
49 determination regarding charges sustained or dismissed, and in the event  
50 any of the charges have been sustained, of the penalty to be imposed or  
51 appropriate action to be taken and the reasons for the determination.  
52 Any penalty imposed or action to be taken must correspond to the guide-  
53 lines provided in section two hundred thirty-f of this title. For the  
54 committee to make a conclusion sustaining a charge, or determining a  
55 penalty or the appropriate action to be taken, two members of the  
56 committee must vote for such a conclusion or determination. The commit-

tee shall issue an order based on its determination. The committee's findings, conclusions, determinations and order shall become public upon issuance. However, if the time to request a review of the committee's determination has not yet expired, or if the review has been requested but no determination as a result of the review has been issued, such publication shall include a statement advising that the licensee or the department may request a review of the committee's determination. No such statement is required if (a) the time to request such review has expired without the filing of such request by either of the parties, or (b) the licensee and the department both affirmatively decline to request review of the committee's determination or fail to perfect such review. In the event any or all such charges are dismissed, such dismissal shall be made public within two business days.

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

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

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

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

(iv) If the source of complaint that instigated the investigation provided contact information included an electronic mail address in their initial complaint, then the office of professional medical conduct shall inform the source of the complaint through electronic mail of the final determination made in reference to the complaint within ten days.

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

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

§ 9. This act shall take effect on the one hundred eightieth day after it shall have become a law. 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.