

STATE OF NEW YORK

8335

2025-2026 Regular Sessions

IN SENATE

June 3, 2025

Introduced by Sen. KRUEGER -- 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 enhancing the ability of the department of health to investigate, discipline, and monitor licensed physicians, physician assistants, and specialist assistants

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

1 Section 1. Paragraphs (a) and (c) of subdivision 9 and subdivisions
2 20, 28 and 31 of section 6530 of the education law, as added by chapter
3 606 of the laws of 1991, are amended and two new subdivisions 51 and 52
4 are added to read as follows:

5 (a) [~~Being~~] Has pleaded or been found guilty or convicted of commit-
6 ting an act constituting a crime under:

7 (i) New York state law or,

8 (ii) federal law or,

9 (iii) the law of another jurisdiction and which, if committed within
10 this state, would have constituted a crime under New York state law;

11 (c) Having been found guilty in an adjudicatory proceeding of violat-
12 ing a state or federal statute or regulation, pursuant to a final deci-
13 sion or determination, and when no appeal is pending, or after the
14 resolution of [~~the~~] a proceeding or a complaint alleging a violation of
15 a state or federal statute or regulation by stipulation or agreement,
16 and when the violation would constitute professional misconduct pursuant
17 to this section;

18 20. Conduct [~~in the practice of medicine~~] which evidences moral unfit-
19 ness to practice medicine;

20 28. Failing to respond within [~~thirty~~] ten days to written communi-
21 cations from the department of health and to make available any relevant
22 records with respect to an inquiry or complaint about the licensee's
23 professional misconduct. The period of [~~thirty~~] ten days shall commence

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

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1 on the date when such communication was delivered personally to the
2 licensee. If the communication is sent from the department of health by
3 registered or certified mail, with return receipt requested, to the
4 address appearing in the last registration, the period of ~~[thirty]~~ ten
5 days shall commence on the date of delivery to the licensee, as indi-
6 cated by the return receipt;

7 31. Willfully harassing, abusing, or intimidating a patient ~~[either]~~
8 or a patient's caregiver or surrogate physically or verbally;

9 51. Except for good cause shown, failing to notify the department of
10 health within ten calendar days of having been charged with a crime in
11 any jurisdiction or of any event meeting the definitions of professional
12 misconduct set forth in subdivision nine of this section.

13 52. Oral or written communications or physical behavior of a sexual
14 nature in the practice of medicine that has no legitimate medical
15 purpose and/or that exploits the current or former practitioner-patient
16 relationship in a sexual way. This behavior may occur in person or
17 virtually and may include expressions of thoughts and feelings or
18 gestures and actions that are of a sexual nature or that a patient or
19 surrogate may reasonably construe as sexual.

20 § 2. Subdivision 4 of section 206 of the public health law is amended
21 by adding a new paragraph (f) to read as follows:

22 (f) require, in writing, the production of any and all relevant docu-
23 ments in the possession or control of an individual or entity subject to
24 an investigation or inquiry under this chapter. Unless a shorter period
25 is specified in such writing, as determined for good cause by the
26 commissioner, the required documents shall be produced no later than ten
27 days after the delivery of the writing. Failure by the subject individ-
28 ual or entity to produce to the department the required documents within
29 the ten day or otherwise specified period shall be a violation or fail-
30 ure within the meaning of paragraph (d) of this subdivision. Each addi-
31 tional day of non-production shall be a separate violation or failure.

32 § 3. Subdivision 1 of section 6502 of the education law, as amended by
33 chapter 599 of the laws of 1996, is amended and two new subdivisions 1-a
34 and 1-b are added to read as follows:

35 1. ~~[A] Except pursuant to subdivision 1-a of this section, a~~ license
36 shall be valid during the life of the holder unless revoked, annulled or
37 suspended by the board of regents ~~[or in the case of physicians, physi-~~
38 ~~cians practicing under a limited permit, physician's assistants,~~
39 ~~specialist's assistants and medical residents, the licensee is stricken~~
40 ~~from the roster of such licensees by the board of regents on the order~~
41 ~~of the state board for professional medical conduct in the department of~~
42 ~~health. A licensee must register with the department and meet the~~
43 ~~requirements prescribed in section 3-503 of the general obligations law~~
44 ~~to practice in this state].~~

45 1-a. In the case of physicians, physicians practicing under a limited
46 permit, physician assistants, specialist assistants and medical resi-
47 dents, a license shall be valid during the life of the holder unless:

48 (a) the licensee is stricken from the roster of such licensees by the
49 board of regents on the order of the state board for professional
50 medical conduct in the department of health;

51 (b) the licensee has failed to register with the department for two or
52 more consecutive registration periods, in which case the licensee shall
53 be immediately stricken from the roster of such licensees by the board
54 of regents; or

1 (c) the licensee, upon written request, receives approval from the
2 Board for Professional Medical Conduct to retire their license, provided
3 they have no pending disciplinary matters.

4 1-b. A licensee must register with the department and meet the
5 requirements prescribed in section 3-503 of the general obligations law
6 to practice in this state.

7 § 4. Section 6524 of the education law is amended by adding a new
8 subdivision 6-a to read as follows:

9 (6-a) Fingerprints and criminal history record check: consent to
10 submission of fingerprints for purposes of conducting a criminal history
11 record check. The commissioner shall submit to the division of criminal
12 justice services two sets of fingerprints of applicants for licensure
13 pursuant to this article, and the division of criminal justice services
14 processing fee imposed pursuant to subdivision eight-a of section eight
15 hundred thirty-seven of the executive law and any fee imposed by the
16 federal bureau of investigation. The division of criminal justice
17 services and the federal bureau of investigation shall forward such
18 criminal history record to the commissioner in a timely manner. For the
19 purposes of this section, the term "criminal history record" shall mean
20 a record of all convictions of crimes and any pending criminal charges
21 maintained on an individual by the division of criminal justice services
22 and the federal bureau of investigation. All such criminal history
23 records sent to the commissioner pursuant to this subdivision shall be
24 confidential pursuant to the applicable federal and state laws, rules
25 and regulations, and shall not be published or in any way disclosed to
26 persons other than the commissioner, unless otherwise authorized by law;

27 § 5. Clause (C) of subparagraph (iii) of paragraph (a) of subdivision
28 10 of section 230 of the public health law, as amended by chapter 477 of
29 the laws of 2008, is amended to read as follows:

30 (C) If the director determines that the matter shall be submitted to
31 an investigation committee, an investigation committee shall be convened
32 within ~~[ninety days]~~ one year of any interview of the licensee. The
33 director shall present the investigation committee with relevant
34 documentation including, but not limited to: (1) a copy of the original
35 complaint; (2) the report of the interviewer and the stenographic record
36 if one was taken; (3) the report of any medical or scientific expert;
37 (4) copies of reports of any patient record reviews; and (5) the
38 licensee's submissions.

39 § 6. Subparagraphs (i) and (ii) of paragraph (d) of subdivision 10 of
40 section 230 of the public health law, as amended by chapter 477 of the
41 laws of 2008, are amended to read as follows:

42 (i) A copy of the charges and the notice of the hearing shall be
43 served on the licensee either: (A) personally [by the board] at least
44 thirty days before the hearing~~[. If personal service cannot be made~~
45 ~~after due diligence and such fact is certified under oath, a copy of the~~
46 ~~charges and the notice of hearing shall be served]~~ ; (B) by registered
47 or certified mail to the licensee's ~~[last known]~~ current residential or
48 practice address ~~[by the board]~~ mailed at least fifteen days before the
49 hearing; (C) by registered or certified mail to the licensee's most
50 recent mailing address pursuant to section sixty-five hundred two of the
51 education law or the licensee's most recent mailing address on file with
52 the department of education pursuant to the notification requirement set
53 forth in subdivision five of such section, mailed at least thirty days
54 before the hearing; or (D) by first class mail to an attorney, licensed
55 to practice in the state, who has appeared on behalf of the licensee and

1 who has been provided with written authorization of the licensee to
2 accept service, mailed at least thirty days before the hearing.

3 (ii) The charges shall be made public, consistent with subparagraph
4 (iv) of paragraph (a) of this subdivision, [~~no earlier than five busi-~~
5 ~~ness days~~] immediately after they are served, and the charges shall be
6 accompanied by a statement advising the licensee that such publication
7 will occur; [~~provided, however, that~~] charges may be made public imme-
8 diately upon issuance of the commissioner's order in the case of summary
9 action taken pursuant to subdivision twelve of this section and no prior
10 notification of such publication need be made to the licensee.

11 § 7. Paragraph (p) of subdivision 10 of section 230 of the public
12 health law, as amended by chapter 599 of the laws of 1996, is amended to
13 read as follows:

14 (p) Convictions, guilty pleas, or being found guilty of crimes or
15 administrative violations. Except for good cause shown, a licensee
16 shall notify the department within ten calendar days of having plead
17 guilty, been found guilty, or been charged with a crime in any jurisdic-
18 tion or of any event meeting the definitions of professional misconduct
19 set forth in subdivision nine of section sixty-five hundred thirty of
20 the education law. In cases of professional misconduct based solely upon
21 a violation of subdivision nine of section sixty-five hundred thirty of
22 the education law, the director may direct that charges be prepared and
23 served and may refer the matter to a committee on professional conduct
24 for its review and report of findings, conclusions as to guilt, and
25 determination. In such cases, the notice of hearing shall state that the
26 licensee shall file a written answer to each of the charges and allega-
27 tions in the statement of charges no later than ten days prior to the
28 hearing, and that any charge or allegation not so answered shall be
29 deemed admitted, that the licensee may wish to seek the advice of coun-
30 sel prior to filing such answer that the licensee may file a brief and
31 affidavits with the committee on professional conduct, that the licensee
32 may appear personally before the committee on professional conduct, may
33 be represented by counsel and may present evidence or sworn testimony in
34 [~~his or her~~] the licensee's behalf, and the notice may contain such
35 other information as may be considered appropriate by the director. The
36 department may also present evidence or sworn testimony and file a brief
37 at the hearing. A stenographic record of the hearing shall be made. Such
38 evidence or sworn testimony offered to the committee on professional
39 conduct shall be strictly limited to evidence and testimony relating to
40 the nature and severity of the penalty to be imposed upon the licensee.
41 Where the charges are based on the guilty plea, finding of guilt, or
42 conviction of state law crimes in other jurisdictions, evidence may be
43 offered to the committee which would show that the [~~conviction~~] act
44 committed would not be a crime in New York state. The committee on
45 professional conduct may reasonably limit the number of witnesses whose
46 testimony will be received and the length of time any witness will be
47 permitted to testify. The determination of the committee shall be served
48 upon the licensee and the department in accordance with the provisions
49 of paragraph (h) of this subdivision. A determination pursuant to this
50 subdivision may be reviewed by the administrative review board for
51 professional medical conduct.

52 § 8. Subdivision 12 of section 230 of the public health law, as
53 amended by chapter 627 of the laws of 1996, paragraph (a) as amended by
54 chapter 477 of the laws of 2008 and paragraph (b) as amended by section
55 3 of part CC of chapter 57 of the laws of 2018, is amended to read as
56 follows:

12. Summary action. (a) Whenever the commissioner, (i) after being presented with information indicating that a licensee is causing, engaging in or maintaining a condition or activity which has resulted in the transmission or suspected transmission, or is likely to lead to the transmission, of communicable disease as defined in the state sanitary code or HIV/AIDS, by the state and/or a local health department and if in the commissioner's opinion it would be prejudicial to the interests of the people to delay action until an opportunity for a hearing can be provided in accordance with the prehearing and hearing provisions of this section; ~~or~~ (ii) after requiring that a licensee produce documents in accordance with subdivision four of section two hundred six of this article, and such licensee has failed to produce the required documents within ten days, or within such shorter period as may have been specified in the commissioner's written demand for documents; or (iii) after an investigation and a recommendation by a committee on professional conduct of the state board for professional medical conduct, based upon a determination that a licensee is causing, engaging in or maintaining a condition or activity which in the commissioner's opinion constitutes an imminent danger to the health of the people, and that it therefore appears to be prejudicial to the interests of the people to delay action until an opportunity for a hearing can be provided in accordance with the prehearing and hearing provisions of this section; the commissioner may order the licensee, by written notice, to discontinue such dangerous condition or activity or take certain action immediately and for a period of ~~ninety~~ one hundred twenty days from the date of service of the order. Within ~~ten~~ thirty days from the date of service of the said order, the state board for professional medical conduct shall commence and regularly schedule such hearing proceedings as required by this section, provided, however, that the hearing shall be completed within ~~ninety~~ one hundred twenty days of the date of service of the order. To the extent that the issue of imminent danger can be proven without the attorney representing the office of professional medical conduct putting in its entire case, the committee of the board shall first determine whether by a preponderance of the evidence the licensee is causing, engaging in or maintaining a condition or activity which constitutes an imminent danger to the health of the people. The attorney representing the office of professional medical conduct shall have the burden of going forward and proving by a preponderance of the evidence that the licensee's condition, activity or practice constitutes an imminent danger to the health of the people. The licensee shall have an opportunity to be heard and to present proof. When both the office and the licensee have completed their cases with respect to the question of imminent danger, the committee shall promptly make a recommendation to the commissioner on the issue of imminent danger and determine whether the summary order should be left in effect, modified or vacated, and continue the hearing on all the remaining charges, if any, in accordance with paragraph (f) of subdivision ten of this section. Within ten days of the committee's recommendation, the commissioner shall determine whether or not to adopt the committee's recommendations, in whole or in part, and shall leave in effect, modify or vacate ~~his~~ the summary order. The state board for professional medical conduct shall make every reasonable effort to avoid any delay in completing and determining such proceedings. If, at the conclusion of the hearing, (i) the hearing committee of the board finds the licensee guilty of one or more of the charges which are the basis for the summary order, (ii) the hearing committee determines that the summary order

1 continue, and (iii) the [~~ninety~~] one hundred twenty day term of the
2 order has not expired, the summary order shall remain in full force and
3 effect until a final decision has been rendered by the committee or, if
4 review is sought, by the administrative review board. A summary order
5 shall be public upon issuance.

6 (b) When a licensee has pleaded or been found guilty or convicted of
7 committing an act constituting a felony under New York state law or
8 federal law, or the law of another jurisdiction which, if committed
9 within this state, would have constituted a felony under New York state
10 law, or when a licensee has been charged with committing an act consti-
11 tuting a felony under New York state or federal law or the law of another
12 jurisdiction, where the licensee's alleged conduct, which, if commit-
13 ted within this state, would have constituted a felony under New York
14 state law, and in the commissioner's opinion the licensee's alleged
15 conduct constitutes an imminent danger to the health of the people, or
16 when the duly authorized professional disciplinary agency of another
17 jurisdiction has made a finding substantially equivalent to a finding
18 that the practice of medicine by the licensee in that jurisdiction
19 constitutes an imminent danger to the health of its people, or when a
20 licensee has been disciplined by a duly authorized professional disci-
21 plinary agency of another jurisdiction for acts which if committed in
22 this state would have constituted the basis for summary action by the
23 commissioner pursuant to paragraph (a) of this subdivision, the commis-
24 sioner, after a recommendation by a committee of professional conduct of
25 the state board for professional medical conduct, may order the licen-
26 see, by written notice, to discontinue or refrain from practicing medi-
27 cine in whole or in part or to take certain actions authorized pursuant
28 to this title immediately. The order of the commissioner shall consti-
29 tute summary action against the licensee and become public upon issu-
30 ance. The summary suspension shall remain in effect until the final
31 conclusion of a hearing which shall commence within ninety days of the
32 date of service of the commissioner's order, end within [~~ninety~~] one
33 hundred eighty days thereafter and otherwise be held in accordance with
34 paragraph (a) of this subdivision, provided, however, that when the
35 commissioner's order is based upon a finding substantially equivalent to
36 a finding that the practice of medicine by the licensee in another
37 jurisdiction constitutes an imminent danger to the health of its people,
38 the hearing shall commence within thirty days after the disciplinary
39 proceedings in that jurisdiction are finally concluded. If, at any time,
40 the felony charge is dismissed, withdrawn or reduced to a non-felony
41 charge, the commissioner's summary order shall terminate.

42 § 9. Paragraph (a) of subdivision 1 of section 2803-e of the public
43 health law, as amended by chapter 294 of the laws of 1985, is amended to
44 read as follows:

45 (a) Hospitals and other facilities approved pursuant to this article
46 shall make a report or cause a report to be made within thirty days of
47 the occurrence of any of the following: the suspension, restriction,
48 termination or curtailment of the training, employment, association or
49 professional privileges or the denial of the certification of completion
50 of training of an individual licensed pursuant to the provisions of
51 title eight of the education law or of a medical resident with such
52 facility for reasons related in any way to alleged mental or physical
53 impairment, incompetence, malpractice or misconduct or impairment of
54 patient safety or welfare; the voluntary or involuntary resignation or
55 withdrawal of association or of privileges with such facility to avoid
56 the imposition of disciplinary measures; the receipt of information from

1 any entity providing personnel to perform professional services to such
2 hospital or facility, or notification by the hospital or facility to any
3 such entity, that the entity may not assign a particular individual to
4 provide such services to the hospital or facility, for reasons related
5 in any way to alleged mental or physical impairment, incompetence, malp-
6 ractice or misconduct or impairment of patient safety or welfare; or the
7 receipt of information which indicates that any professional licensee or
8 medical resident has been convicted of a crime; the denial of staff
9 privileges to a physician if the reasons stated for such denial are
10 related to alleged mental or physical impairment, incompetence, malprac-
11 tice, misconduct or impairment of patient safety or welfare.
12 § 10. This act shall take effect immediately; provided, however, that
13 the amendments to paragraph (a) of subdivision 10 of section 230 of the
14 public health law made by section five of this act shall not affect the
15 expiration of such paragraph and shall be deemed to expire therewith.