

STATE OF NEW YORK

8335--A

2025-2026 Regular Sessions

IN SENATE

June 3, 2025

Introduced by Sens. KRUEGER, HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- 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 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 52 and 53
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;

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

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28. Failing to respond within [~~thirty~~] ten days to written communications from the department of health and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct. The period of [~~thirty~~] ten days shall commence on the date when such communication was delivered personally to the licensee. If the communication is sent from the department of health by registered or certified mail, with return receipt requested, to the address appearing in the last registration, the period of [~~thirty~~] ten days shall commence on the date of delivery to the licensee, as indicated by the return receipt;

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

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

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

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

(f) require, in writing, the production of any and all relevant documents in the possession or control of an individual or entity subject to an investigation or inquiry under this chapter. Unless a shorter period is specified in such writing, as determined for good cause by the commissioner, the required documents shall be produced no later than ten days after the delivery of the writing. Failure by the subject individual or entity to produce to the department the required documents within the ten day or otherwise specified period shall be a violation or failure within the meaning of paragraph (d) of this subdivision. Each additional day of non-production shall be a separate violation or failure.

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

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

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

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

(b) the licensee has failed to register with the department for two or more consecutive registration periods, in which case the licensee shall

1 be immediately stricken from the roster of such licensees by the board
2 of regents; or

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

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

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

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

29 § 5. Clause (C) of subparagraph (iii) of paragraph (a) of subdivision
30 10 of section 230 of the public health law, as amended by chapter 477 of
31 the laws of 2008, is amended to read as follows:

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

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

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

1 to practice in the state, who has appeared on behalf of the licensee and
2 who has been provided with written authorization of the licensee to
3 accept service, mailed at least thirty days before the hearing.

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

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

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

53 § 8. Subdivision 12 of section 230 of the public health law, as
54 amended by chapter 627 of the laws of 1996, paragraph (a) as amended by
55 chapter 477 of the laws of 2008 and paragraph (b) as amended by section

1 3 of part CC of chapter 57 of the laws of 2018, is amended to read as
2 follows:

3 12. Summary action. (a) Whenever the commissioner, (i) after being
4 presented with information indicating that a licensee is causing, engag-
5 ing in or maintaining a condition or activity which has resulted in the
6 transmission, or suspected transmission, or is likely to lead to the
7 transmission, of communicable disease as defined in the state sanitary
8 code or HIV/AIDS, by the state and/or a local health department and if
9 in the commissioner's opinion it would be prejudicial to the interests
10 of the people to delay action until an opportunity for a hearing can be
11 provided in accordance with the prehearing and hearing provisions of
12 this section; ~~or~~ (ii) after requiring that a licensee produce docu-
13 ments in accordance with subdivision four of section two hundred six of
14 this article, and such licensee has failed to produce the required docu-
15 ments within ten days, or within such shorter period as may have been
16 specified in the commissioner's written demand for documents; or (iii)
17 after an investigation and a recommendation by a committee on profes-
18 sional conduct of the state board for professional medical conduct,
19 based upon a determination that a licensee is causing, engaging in or
20 maintaining a condition or activity which in the commissioner's opinion
21 constitutes an imminent danger to the health of the people, and that it
22 therefore appears to be prejudicial to the interests of the people to
23 delay action until an opportunity for a hearing can be provided in
24 accordance with the prehearing and hearing provisions of this section;
25 the commissioner may order the licensee, by written notice, to discon-
26 tinue such dangerous condition or activity or take certain action imme-
27 diately and for a period of ~~ninety~~ one hundred twenty days from the
28 date of service of the order. Within ~~ten~~ thirty days from the date of
29 service of the said order, the state board for professional medical
30 conduct shall commence and regularly schedule such hearing proceedings
31 as required by this section, provided, however, that the hearing shall
32 be completed within ~~ninety~~ one hundred twenty days of the date of
33 service of the order. To the extent that the issue of imminent danger
34 can be proven without the attorney representing the office of profes-
35 sional medical conduct putting in its entire case, the committee of the
36 board shall first determine whether by a preponderance of the evidence
37 the licensee is causing, engaging in or maintaining a condition or
38 activity which constitutes an imminent danger to the health of the
39 people. The attorney representing the office of professional medical
40 conduct shall have the burden of going forward and proving by a prepon-
41 derance of the evidence that the licensee's condition, activity or prac-
42 tice constitutes an imminent danger to the health of the people. The
43 licensee shall have an opportunity to be heard and to present proof.
44 When both the office and the licensee have completed their cases with
45 respect to the question of imminent danger, the committee shall promptly
46 make a recommendation to the commissioner on the issue of imminent
47 danger and determine whether the summary order should be left in effect,
48 modified or vacated, and continue the hearing on all the remaining
49 charges, if any, in accordance with paragraph (f) of subdivision ten of
50 this section. Within ten days of the committee's recommendation, the
51 commissioner shall determine whether or not to adopt the committee's
52 recommendations, in whole or in part, and shall leave in effect, modify
53 or vacate ~~his~~ the summary order. The state board for professional
54 medical conduct shall make every reasonable effort to avoid any delay in
55 completing and determining such proceedings. If, at the conclusion of
56 the hearing, (i) the hearing committee of the board finds the licensee

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

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

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

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

1 withdrawal of association or of privileges with such facility during a
2 pending investigation by the hospital or facility or to avoid the im-
3 position of disciplinary measures; the receipt of information from any
4 entity providing personnel to perform professional services to such
5 hospital or facility, or notification by the hospital or facility to any
6 such entity, that the entity may not assign a particular individual to
7 provide such services to the hospital or facility, for reasons related
8 in any way to alleged mental or physical impairment, incompetence, malpr-
9 actice or misconduct or impairment of patient safety or welfare; or the
10 receipt of information which indicates that any professional licensee or
11 medical resident has been convicted of a crime; the denial of staff
12 privileges to a physician if the reasons stated for such denial are
13 related to alleged mental or physical impairment, incompetence, malprac-
14 tice, misconduct or impairment of patient safety or welfare. Where
15 there is information which indicates that a licensee may have committed
16 professional misconduct, hospitals or facilities are not required to
17 complete an investigation before reporting and shall make or cause to
18 make such report upon first becoming aware of the information which
19 indicates that the licensee may have committed professional misconduct.

20 § 10. Paragraph (a) of subdivision 11 of section 230 of the public
21 health law, as amended by chapter 627 of the laws of 1996, is amended to
22 read as follows:

23 (a) The medical society of the state of New York, the New York state
24 osteopathic society or any district osteopathic society, any statewide
25 medical specialty society or organization, and every county medical
26 society, every person licensed pursuant to articles one hundred thirty-
27 one, one hundred thirty-one-B, one hundred thirty-three, one hundred
28 thirty-seven and one hundred thirty-nine of the education law, and the
29 chief executive officer, the chief of the medical staff and the chair-
30 person of each department of every institution which is established
31 pursuant to article twenty-eight of this chapter and a comprehensive
32 health services plan pursuant to article forty-four of this chapter or
33 article forty-three of the insurance law, shall within thirty days, and
34 any other person may, report to the board any information which such
35 person, medical society, organization institution or plan has which
36 reasonably appears to show that a licensee [~~is guilty of~~] may have
37 committed professional misconduct as defined in sections sixty-five
38 hundred thirty and sixty-five hundred thirty-one of the education law.
39 Such reports shall remain confidential and shall not be admitted into
40 evidence in any administrative or judicial proceeding except that the
41 board, its staff, or the members of its committees may begin investi-
42 gations on the basis of such reports and may use them to develop further
43 information.

44 § 11. This act shall take effect immediately; provided, however, that
45 the amendments to paragraph (a) of subdivision 10 of section 230 of the
46 public health law made by section five of this act shall not affect the
47 expiration of such paragraph and shall be deemed to expire therewith.