

STATE OF NEW YORK

10022

IN ASSEMBLY

January 27, 2026

Introduced by M. of A. LEE -- read once and referred to the Committee on Higher Education

AN ACT to amend the public health law, in relation to requiring certain health care providers to disclose the fact that the provider is on probation 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 the board for professional medical conduct or found guilty of a crime or liable of an offense in a court of law pursuant to paragraph (c) of this subdivision 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 office of 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 office of professional medical conduct or a court of law; the address of

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

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1 the office of professional medical conduct's website; and the office of
2 professional medical conduct's telephone number. This notice shall be
3 provided prior to the patient's first visit, or prior to the patient
4 receiving health care from the licensee following the finding of miscon-
5 duct by the board for professional medical conduct or of guilt or
6 liability by a court of law of an offense in any of the circumstances
7 listed in subparagraph (i), (ii), (iii), (iv), or (v) of paragraph (c)
8 of this subdivision. A licensee required to provide a disclosure pursu-
9 ant to this subdivision shall obtain from the patient, or their health
10 care representative, a separate, signed copy of that disclosure prior to
11 the patient entering the room where the licensee performs the treatment,
12 service, procedure or other direct health care; or in a hospital, ambu-
13 latory care center, or other health care facility prior to the licensee
14 performing any treatment, service, procedure or other direct health
15 care.

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

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

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

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

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

30 (D) inappropriate prescribing resulting in harm to patients and a
31 probationary period of five years or more.

32 (ii) The office of professional medical conduct or a court of law
33 ordered a third-party chaperone shall be present when the licensee exam-
34 ines patients as a result of sexual misconduct regardless if the licen-
35 see has been placed on probation.

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

39 (iv) The licensee has been on probation for any offense more than
40 three times.

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

43 (d) The licensee shall obtain from each patient, or their health care
44 representative, a signed copy of the disclosure following the disclosure
45 described in paragraph (c) of this subdivision that includes a written
46 explanation of how the patient can find further information on the
47 licensee's actions on the office of professional medical conduct
48 enforcement actions' website.

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

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

7 (g) Any licensee who violates the provisions of this subdivision shall
8 be subject to the penalties set forth in section two hundred thirty-a of
9 this title. The office of professional medical conduct shall provide
10 any licensee who is alleged to have violated the provisions of this
11 subdivision with the protections set forth in subdivision ten of this
12 section.

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

17 (i) provisions that address a health care facility's responsibility to
18 ensure the patient receives care from an appropriate individual or to
19 transfer the patient if the patient refuses care from the licensee that
20 has been found to have committed misconduct or has been found to be
21 liable or guilty of an offense by a court of law pursuant to paragraph
22 (c) of this subdivision and another individual is not available at the
23 health care facility to provide care; and

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

26 § 2. This act shall take effect January 1, 2026 and shall apply to all
27 probationary orders issued on or after such effective date. Effective
28 immediately, the addition, amendment and/or repeal of any rule or regu-
29 lation necessary for the implementation of this act on its effective
30 date are authorized to be made and completed on or before such effective
31 date.