

STATE OF NEW YORK

10076

IN ASSEMBLY

January 30, 2026

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

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:

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

(a) ~~Being~~ Has pleaded or been found guilty or convicted of committing an act constituting a crime under:

(i) New York state law or,

(ii) federal law or,

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

(c) Having been found guilty in an adjudicatory proceeding of violating a state or federal statute or regulation, pursuant to a final decision or determination, and when no appeal is pending, or after the resolution of ~~the~~ a proceeding or a complaint alleging a violation of a state or federal statute or regulation by stipulation or agreement, and when the violation would constitute professional misconduct pursuant to this section;

20. Conduct ~~[in the practice of medicine]~~ which evidences moral unfitness to practice medicine;

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

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

LBD13290-01-5

1 address appearing in the last registration, the period of [~~thirty~~] ten
2 days shall commence on the date of delivery to the licensee, as indi-
3 cated by the return receipt;

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

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

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

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

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

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

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

42 1-a. In the case of physicians, physicians practicing under a limited
43 permit, physician assistants, specialist assistants and medical resi-
44 dents, a license shall be valid during the life of the holder unless:

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

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

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

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

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

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

24 § 5. Clause (C) of subparagraph (iii) of paragraph (a) of subdivision
25 10 of section 230 of the public health law, as amended by chapter 477 of
26 the laws of 2008, is amended to read as follows:

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

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

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

55 (ii) The charges shall be made public, consistent with subparagraph
56 (iv) of paragraph (a) of this subdivision, ~~[no earlier than five busi-~~

1 ~~ness days~~ immediately after they are served, and the charges shall be
2 accompanied by a statement advising the licensee that such publication
3 will occur; ~~[provided, however, that]~~ charges may be made public imme-
4 diately upon issuance of the commissioner's order in the case of summary
5 action taken pursuant to subdivision twelve of this section and no prior
6 notification of such publication need be made to the licensee.

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

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

48 § 8. Subdivision 12 of section 230 of the public health law, as
49 amended by chapter 627 of the laws of 1996, paragraph (a) as amended by
50 chapter 477 of the laws of 2008 and paragraph (b) as amended by section
51 3 of part CC of chapter 57 of the laws of 2018, is amended to read as
52 follows:

53 12. Summary action. (a) Whenever the commissioner, (i) after being
54 presented with information indicating that a licensee is causing, engag-
55 ing in or maintaining a condition or activity which has resulted in the
56 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 continue, and (iii) the ~~ninety~~ one hundred twenty day term of the order has not expired, the summary order shall remain in full force and effect until a final decision has been rendered by the committee or, if

1 review is sought, by the administrative review board. A summary order
2 shall be public upon issuance.

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

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

42 (a) Hospitals and other facilities approved pursuant to this article
43 shall make a report or cause a report to be made within thirty days of
44 the occurrence of any of the following: the suspension, restriction,
45 termination or curtailment of the training, employment, association or
46 professional privileges or the denial of the certification of completion
47 of training of an individual licensed pursuant to the provisions of
48 title eight of the education law or of a medical resident with such
49 facility for reasons related in any way to alleged mental or physical
50 impairment, incompetence, malpractice or misconduct or impairment of
51 patient safety or welfare; the voluntary or involuntary resignation or
52 withdrawal of association or of privileges with such facility to avoid
53 the imposition of disciplinary measures; the receipt of information from
54 any entity providing personnel to perform professional services to such
55 hospital or facility, or notification by the hospital or facility to any
56 such entity, that the entity may not assign a particular individual to

1 provide such services to the hospital or facility, for reasons related
2 in any way to alleged mental or physical impairment, incompetence, malp-
3 ractice or misconduct or impairment of patient safety or welfare; or the
4 receipt of information which indicates that any professional licensee or
5 medical resident has been convicted of a crime; the denial of staff
6 privileges to a physician if the reasons stated for such denial are
7 related to alleged mental or physical impairment, incompetence, malprac-
8 tice, misconduct or impairment of patient safety or welfare.

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