STATE OF NEW YORK

8828--A

2025-2026 Regular Sessions

IN ASSEMBLY

June 9, 2025

Introduced by M. of A. BICHOTTE HERMELYN -- read once and referred to the Committee on Health -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend 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:

Section 1. Legislative intent. On May 15, 2025, Newsday published "Broken Practice: Doctor misconduct on Long Island", a two-year investigation that found that forty-six doctors on Long Island were allowed to practice freely for months or years despite criminal convictions including fraud, sexual abuse and the illegal dispensing of opioids.

This legislature finds that the office of professional medical conduct currently reviews complaints made against physicians to determine the verity of allegations of professional misconduct. Yet there is currently no uniform framework established in the law to outline specific penalties or actions that could be taken following the determination that a licensee had violated professional misconduct law. Therefore, this legislature establishes a uniform set of legal guidelines for penalties and actions which can be taken by any committee to provide a more uniform framework for the provision of justice.

Additionally, the legislature finds that to ensure a variety of opinions and expertise on the committees which investigate allegations of professional misconduct, to include one physician, and two lay members, one of whom shall hold a doctoral degree and are currently or have previously taught medicine within an academic institution's department of medicine or hold a master's in public health.

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

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

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

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

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

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

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

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

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

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

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

7. For practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability, the maximum penalty shall be the revocation of a license, and the minimum penalty shall be suspension of a license until the licensee completes rehabilitation to the satisfaction of the board. Any fine issued shall be no more than five thousand dollars.

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

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

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

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

10. For being convicted of committing an act constituting a crime under the law of another jurisdiction and which, if committed within this state, would have constituted a crime under New York state law, discretion as to the penalties and actions taken shall be determined based on the severity and classification of the crime the licensee has been convicted of. If the licensee has had their medical license revoked, suspended or has had other disciplinary action issued against them in another jurisdiction then such disciplinary penalty or action shall be equal or equivalent unless otherwise noted. Any fines issued shall be no less than ten thousand dollars.

11. For refusing to provide professional service to a person because of such person's race, creed, color or national origin, the maximum penalty shall be revocation of a license, and the minimum penalty shall be a suspension of a license. Any fines issued shall be no less than five thousand dollars and no more than ten thousand dollars.

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

13. For practicing the profession while the license is suspended or inactive as defined in subdivision thirteen of section two hundred thirty of this title, for violating any term of probation or condition or limitation imposed on the licensee pursuant to section two hundred thirty of this title, or for willfully failing to register or notify the department of education of any change of name or mailing address, or, if a professional service corporation, willfully failing to comply with sections fifteen hundred three and fifteen hundred fourteen of the business corporation law, or, if a university faculty practice corporation willfully failing to comply with paragraphs (b), (c) and (d) of section fifteen hundred three and section fifteen hundred fourteen of the business corporation law, the maximum penalty shall be suspension of a

license for up to one year and the minimum penalty shall be a reprimand. Any fine issued shall be no less than ten thousand dollars.

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

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

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

17. For a willful or grossly negligent failure to comply with substantial provisions of federal, state, or local laws, rules, or regulations governing the practice of medicine, the maximum penalty shall be revocation of a license and the minimum penalty shall be suspension of a license. Any fine issued shall be no less than ten thousand dollars.

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

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

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

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

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

23. For failing to make available to a patient, upon request, copies of documents in the possession or under the control of the licensee

which have been prepared for and paid for by the patient or client, the maximum penalty shall be the suspension of a license for up to six months, and the minimum penalty shall be a written reprimand. Any fine issued shall be no more than ten thousand dollars.

24. For revealing of personally identifiable facts, data, or information obtained in a professional capacity without the prior consent of the patient, except as authorized or required by law, the maximum penalty shall be suspension of a license, the minimum penalty shall be a reprimand. Any fine issued shall be no less than one thousand dollars and no more than ten thousand dollars.

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

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

27. For performing professional services which have not been duly authorized by the patient or such patient's legal representative, the maximum penalty shall be revocation of a license, the minimum penalty shall be a reprimand. Any fines issued shall be no less than ten thousand dollars.

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

29. For failing to respond within thirty days to written communications from the department and to make available any relevant records with respect to an inquiry or complaint about the licensee's professional misconduct, the maximum penalty shall be revocation of a license, the minimum penalty shall be a reprimand. Any fines issued shall be no more than five thousand dollars.

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

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

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

33. For failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient, or for not retain-

ing all patient records for at least six years unless otherwise required by law, the maximum penalty shall be suspension of a license, and the minimum penalty shall be a reprimand. Any fines issued shall be no less than one thousand dollars and no more than ten thousand dollars.

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

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

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

37. For claiming or using any secret or special method of treatment which the licensee refused to divulge to the department of health, the maximum penalty shall be revocation of a license, and the minimum penalty shall be reprimand. Any fines issued shall be no more than ten thousand dollars.

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

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

40. For failing to post conspicuously at the site of such practice the name and licensure field of all of the principal professional licensees engaged in the practice at that site, the maximum penalty shall be suspension of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no more than ten thousand dollars.

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

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

43. For failing to comply with a signed agreement to practice medicine in New York state in an area designated by the commissioner of education as having a shortage of physicians or refusing to repay medical education costs in lieu of such required service, or failing to comply with any provision of a written agreement with the state or any municipality within which the licensee has agreed to provide medical service, or refusing to repay funds in lieu of such service as consideration of

awards made by the state or any municipality thereof for the licensee's professional education in medicine, or failing to comply with any agreement entered into to aid the licensee's medical education, the maximum penalty shall be revocation of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no less than five thousand dollars and no more than ten thousand dollars.

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

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

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

47. For failure to use scientifically accepted barrier precautions and infection control practices as established by the department pursuant to section two hundred thirty-a of this title as added by chapter seven hundred eighty-six of the laws of nineteen ninety-two, the maximum penalty shall be revocation of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no less than ten thousand dollars.

48. For a violation of section two hundred thirty-d of this title or regulations enacted thereunder, the maximum penalty shall be the suspension of a license and the minimum penalty shall be a reprimand. Any fines issued shall be no less than five thousand dollars.

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

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

§ 3. Subdivisions 1 and 6 of section 230 of the public health law, subdivision 1 as amended by chapter 537 of the laws of 1998 and subdivision 6 as amended by chapter 266 of the laws of 1986, are amended to read as follows:

1. A state board for professional medical conduct is hereby created in the department in matters of professional misconduct as defined in sections sixty-five hundred thirty and sixty-five hundred thirty-one of the education law. Its physician members shall be appointed by the commissioner at least eighty-five percent of whom shall be from among nominations submitted by the medical society of the state of New York, the New York state osteopathic society, the New York academy of medicine, county medical societies, statewide specialty societies recognized

by the council of medical specialty societies, and the hospital association of New York state. Its lay members shall be appointed by the commissioner with the approval of the governor. The board of regents shall also appoint twenty percent of the members of the board. Not less than [~~sixty-seven~~] thirty-three percent of the members appointed by the board of regents shall be physicians. Not less than eighty-five percent of the physician members appointed by the board of regents shall be from among nominations submitted by the medical society of the state of New York, the New York state osteopathic society, the New York academy of medicine, county medical societies, statewide medical societies recognized by the council of medical specialty societies, and the hospital association of New York state. Any failure to meet the percentage thresholds stated in this subdivision shall not be grounds for invalidating any action by or on authority of the board for professional medical conduct or a committee or a member thereof. The board for professional medical conduct shall consist of not fewer than [~~eighteen~~] seven physicians licensed in the state for at least five years, two of whom shall be doctors of osteopathy, and not fewer than two of whom shall be physicians who dedicate a significant portion of their practice to the use of non-conventional medical treatments who may be nominated by New York state medical associations dedicated to the advancement of such treatments, at least one of whom shall have expertise in palliative care[~~, and not fewer than seven lay members~~]. All physician members shall not have any disciplinary actions or penalties found against them pursuant to this section. The board shall include no fewer than eighteen lay members, comprising individuals who possess a doctoral degree, have never obtained a medical degree, and are currently or have formerly engaged in teaching medicine within the department of medicine at an academic institution. Alternatively, such lay members may hold a master's degree in public health. An executive secretary shall be appointed by the chairperson and shall be a licensed physician. Such executive secretary shall not be a member of the board, shall hold office at the pleasure of, and shall have the powers and duties assigned and the annual salary fixed by, the chairperson. The chairperson shall also assign such secretaries or other persons to the board as are necessary.

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

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

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

§ 5. Paragraphs (b) and (g) of subdivision 10 of section 230 of the public health law, paragraph (b) as amended by chapter 606 of the laws

of 1991 and paragraph (g) as amended by chapter 477 of the laws of 2008, are amended to read as follows:

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

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

§ 6. 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.

§ 7. 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.

§ 8. 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.