

# 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:

1 Section 1. Legislative intent. On May 15, 2025, Newsday published  
2 "Broken Practice: Doctor misconduct on Long Island", a two-year inves-  
3 tigation that found that forty-six doctors on Long Island were allowed  
4 to practice freely for months or years despite criminal convictions  
5 including fraud, sexual abuse and the illegal dispensing of opioids.  
6 This legislature finds that the office of professional medical conduct  
7 currently reviews complaints made against physicians to determine the  
8 verity of allegations of professional misconduct. Yet there is currently  
9 no uniform framework established in the law to outline specific penal-  
10 ties or actions that could be taken following the determination that a  
11 licensee had violated professional misconduct law. Therefore, this  
12 legislature establishes a uniform set of legal guidelines for penalties  
13 and actions which can be taken by any committee to provide a more  
14 uniform framework for the provision of justice.  
15 Additionally, the legislature finds that to ensure a variety of opin-  
16 ions and expertise on the committees which investigate allegations of  
17 professional misconduct, to include one physician, and two lay members,  
18 one of whom shall hold a doctoral degree and are currently or have  
19 previously taught medicine within an academic institution's department  
20 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.

LBD13308-07-6

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

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

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

12 § 230-f. Guidelines for penalties and actions. Pursuant to section two  
13 hundred thirty of this title, any penalty or action against a licensee  
14 as determined by the office of professional medical conduct or any  
15 committee thereof shall comply with the following maximum or minimum  
16 guidelines for the issuance of penalties or actions associated with  
17 professional misconduct pursuant to section sixty-five hundred thirty of  
18 the education law or other violations under this section. The office of  
19 professional medical conduct may use its discretion to make exemptions  
20 to this section if an investigation finds there are unusual or extraor-  
21 inary circumstances. Such maximum or minimum guidelines shall be as  
22 follows:

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

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

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

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

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

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

50 7. For practicing the profession while impaired by alcohol, drugs,  
51 physical disability, or mental disability, the maximum penalty shall be  
52 the revocation of a license, and the minimum penalty shall be suspension  
53 of a license until the licensee completes rehabilitation to the satis-  
54 faction of the board. Any fine issued shall be no more than five thou-  
55 sand dollars.

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

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

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

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

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

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

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

45 13. For practicing the profession while the license is suspended or  
46 inactive as defined in subdivision thirteen of section two hundred thir-  
47 ty of this title, for violating any term of probation or condition or  
48 limitation imposed on the licensee pursuant to section two hundred thir-  
49 ty of this title, or for willfully failing to register or notify the  
50 department of education of any change of name or mailing address, or, if  
51 a professional service corporation, willfully failing to comply with  
52 sections fifteen hundred three and fifteen hundred fourteen of the busi-  
53 ness corporation law, or, if a university faculty practice corporation  
54 willfully failing to comply with paragraphs (b), (c) and (d) of section  
55 fifteen hundred three and section fifteen hundred fourteen of the busi-  
56 ness corporation law, the maximum penalty shall be suspension of a

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

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

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

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

21 17. For a willful or grossly negligent failure to comply with substan-  
22 tial provisions of federal, state, or local laws, rules, or regulations  
23 governing the practice of medicine, the maximum penalty shall be revoca-  
24 tion of a license and the minimum penalty shall be suspension of a  
25 license. Any fine issued shall be no less than ten thousand dollars.

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

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

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

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

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

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

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

5 24. For revealing of personally identifiable facts, data, or informa-  
6 tion obtained in a professional capacity without the prior consent of  
7 the patient, except as authorized or required by law, the maximum penal-  
8 ty shall be suspension of a license, the minimum penalty shall be a  
9 reprimand. Any fine issued shall be no less than one thousand dollars  
10 and no more than ten thousand dollars.

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

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

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

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

35 29. For failing to respond within thirty days to written communi-  
36 cations from the department and to make available any relevant records  
37 with respect to an inquiry or complaint about the licensee's profes-  
38 sional misconduct, the maximum penalty shall be revocation of a license,  
39 the minimum penalty shall be a reprimand. Any fines issued shall be no  
40 more than five thousand dollars.

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

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

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

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

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

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

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

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

17 37. For claiming or using any secret or special method of treatment  
18 which the licensee refused to divulge to the department of health, the  
19 maximum penalty shall be revocation of a license, and the minimum penal-  
20 ty shall be reprimand. Any fines issued shall be no more than ten thou-  
21 sand dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 by the council of medical specialty societies, and the hospital associ-  
2 ation of New York state. Its lay members shall be appointed by the  
3 commissioner with the approval of the governor. The board of regents  
4 shall also appoint twenty percent of the members of the board. Not less  
5 than [~~sixty-seven~~] thirty-three percent of the members appointed by the  
6 board of regents shall be physicians. Not less than eighty-five percent  
7 of the physician members appointed by the board of regents shall be from  
8 among nominations submitted by the medical society of the state of New  
9 York, the New York state osteopathic society, the New York academy of  
10 medicine, county medical societies, statewide medical societies recog-  
11 nized by the council of medical specialty societies, and the hospital  
12 association of New York state. Any failure to meet the percentage thres-  
13 holds stated in this subdivision shall not be grounds for invalidating  
14 any action by or on authority of the board for professional medical  
15 conduct or a committee or a member thereof. The board for professional  
16 medical conduct shall consist of not fewer than [~~eighteen~~] seven physi-  
17 cians licensed in the state for at least five years, two of whom shall  
18 be doctors of osteopathy, and not fewer than two of whom shall be physi-  
19 cians who dedicate a significant portion of their practice to the use of  
20 non-conventional medical treatments who may be nominated by New York  
21 state medical associations dedicated to the advancement of such treat-  
22 ments, at least one of whom shall have expertise in palliative care[  
23 ~~and not fewer than seven lay members~~]. All physician members shall not  
24 have any disciplinary actions or penalties found against them pursuant  
25 to this section. The board shall include no fewer than eighteen lay  
26 members, comprising individuals who possess a doctoral degree, have  
27 never obtained a medical degree, and are currently or have formerly  
28 engaged in teaching medicine within the department of medicine at an  
29 academic institution. Alternatively, such lay members may hold a  
30 master's degree in public health. An executive secretary shall be  
31 appointed by the chairperson and shall be a licensed physician. Such  
32 executive secretary shall not be a member of the board, shall hold  
33 office at the pleasure of, and shall have the powers and duties assigned  
34 and the annual salary fixed by, the chairperson. The chairperson shall  
35 also assign such secretaries or other persons to the board as are neces-  
36 sary.

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

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

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

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

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

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

9 (g) Results of hearing. The committee shall make (1) findings of fact,  
10 (2) conclusions concerning the charges sustained or dismissed, and (3) a  
11 determination regarding charges sustained or dismissed, and in the event  
12 any of the charges have been sustained, of the penalty to be imposed or  
13 appropriate action to be taken and the reasons for the determination.  
14 Any penalty imposed or action to be taken must correspond to the guide-  
15 lines provided in section two hundred thirty-f of this title. For the  
16 committee to make a conclusion sustaining a charge, or determining a  
17 penalty or the appropriate action to be taken, two members of the  
18 committee must vote for such a conclusion or determination. The commit-  
19 tee shall issue an order based on its determination. The committee's  
20 findings, conclusions, determinations and order shall become public upon  
21 issuance. However, if the time to request a review of the committee's  
22 determination has not yet expired, or if the review has been requested  
23 but no determination as a result of the review has been issued, such  
24 publication shall include a statement advising that the licensee or the  
25 department may request a review of the committee's determination. No  
26 such statement is required if (a) the time to request such review has  
27 expired without the filing of such request by either of the parties, or  
28 (b) the licensee and the department both affirmatively decline to  
29 request review of the committee's determination or fail to perfect such  
30 review. In the event any or all such charges are dismissed, such  
31 dismissal shall be made public within two business days.

32 § 6. Paragraph (h) of subdivision 11 of section 230 of the public  
33 health law, as added by chapter 203 of the laws of 2020, is amended to  
34 read as follows:

35 (h) (i) The office of professional medical conduct and the department  
36 shall post on [~~its website~~] their websites information on patients'  
37 rights and reporting options under this subdivision regarding profes-  
38 sional misconduct[, ~~which shall specifically include information on~~  
39 ~~reporting instances of misconduct involving sexual harassment and~~  
40 ~~assault~~]. All physicians' practice settings shall conspicuously post  
41 signage, visible to their patients, directing such patients to the  
42 office of professional medical conduct's website for information about  
43 their rights and how to report professional misconduct. All signage  
44 posted shall be no smaller than eight and a half inches by eleven inches  
45 in size.

46 (ii) Medical facilities shall provide all pertinent contact informa-  
47 tion to the office of professional medical conduct to patients in a  
48 self-attestation form, including access to their website through a QR  
49 code or link as deemed appropriate by the commissioner.

50 (iii) Within ten days of any final determination applying a penalty or  
51 action against a licensee the office of professional medical conduct and  
52 the department shall post on their websites the name, medical license  
53 number, and the penalties or actions imposed for any licensee determined  
54 to have committed a violation of professional misconduct.

55 (iv) If the source of complaint that instigated the investigation  
56 provided contact information included an electronic mail address in

1 their initial complaint, then the office of professional medical conduct  
2 shall inform the source of the complaint through electronic mail of the  
3 final determination made in reference to the complaint within ten days.

4 § 7. Subdivision 11 of section 230 of the public health law is amended  
5 by adding a new paragraph (i) to read as follows:

6 (i) Any licensee who is indicted in another jurisdiction for a crimi-  
7 nal offense or is arrested pursuant to probable or reasonable cause, or  
8 where it has been determined by a professional disciplinary agency that  
9 there is sufficient evidence to conduct a review of such licensee, shall  
10 notify the office of professional medical conduct of such action within  
11 forty-eight hours.

12 § 8. This act shall take effect on the one hundred eightieth day after  
13 it shall have become a law. Effective immediately, the addition, amend-  
14 ment and/or repeal of any rule or regulation necessary for the implemen-  
15 tation of this act on its effective date are authorized to be made and  
16 completed on or before such effective date.