

# STATE OF NEW YORK

1476

2025-2026 Regular Sessions

## IN SENATE

January 10, 2025

Introduced by Sens. KRUEGER, BRISPORT, BROUK, FERNANDEZ, GONZALEZ, HINCHEY, HOYLMAN-SIGAL, JACKSON, MAYER, SALAZAR, WEBB -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. Subdivision 18 of section 230 of the public health law is  
2 amended by adding a new paragraph (c) to read as follows:

3 (c) (i) As used in this paragraph:

4 (A) "licensee" means a physician, physician's assistant, or a specialist's assistant licensed under title eight of the education law who  
5 provides direct patient care;

6 (B) "health care representative" means a health care agent designated  
7 by an adult pursuant to article twenty-nine-C of this chapter, a health  
8 care surrogate selected to make a health care decision on behalf of a  
9 patient pursuant to section twenty-nine hundred ninety-four-d of this  
10 chapter, a guardian authorized to decide about health care pursuant to  
11 article eighty-one of the mental hygiene law, or a guardian appointed  
12 pursuant to section seventeen hundred fifty-B of the surrogate's court  
13 procedure act; and

14 (C) "health care" means any treatment, service, or procedure to diag-  
15 nose or treat an individual's physical or mental condition.

16 (ii) Except as provided by subparagraph (v) of this paragraph, the  
17 office of professional misconduct shall require a physician, physician's  
18 assistant or specialist's assistant who has been found to have committed  
19 misconduct by the office of professional misconduct or found guilty or  
20 liable of an offense in a court of law pursuant to subparagraph (iii) of  
21 this paragraph to disclose the following to current or new patients or  
22

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

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1 the patient's health care representative on a separate written document;  
2 their status with the office of professional misconduct or from a court  
3 of law; the length and expiration date of any penalties associated with  
4 such finding of misconduct; the cause or causes for disciplinary action  
5 stated in the order issued by the office of professional misconduct or a  
6 court of law; all practice restrictions placed on the licensee by the  
7 office of professional misconduct or a court of law; the address of profes-  
8 sional misconduct's website; and the office of profes-  
9 sional misconduct's telephone number. This notice shall be provided  
10 prior to the patient's first visit, or prior to the patient receiving  
11 health care from the physician, physician's assistant and specialist's  
12 assistant following the finding of misconduct by the office of profes-  
13 sional misconduct or of guilt or liability by a court of law of an  
14 offense in any of the circumstances listed in clause (A), (B), (C) or  
15 (D) of subparagraph (iii) of this paragraph. A licensee required to  
16 provide a disclosure pursuant to this paragraph shall obtain from the  
17 patient, or their health care representative, a separate, signed copy of  
18 that disclosure prior to the patient entering the room where the licen-  
19 see performs the treatment, service, procedure or other direct health  
20 care; or in a hospital, ambulatory care center, or other health care  
21 facility prior to the licensee performing any treatment, service, proce-  
22 dure or other direct health care.

23 (iii) The physician, physician's assistant or specialist's assistant  
24 shall provide the disclosure under the following circumstances:

25 (A) The physician, physician's assistant or specialist's assistant has  
26 been found to have committed misconduct by the office of professional  
27 misconduct or found liable or guilty by a court of law after a determi-  
28 nation or stipulated settlement in of any of the following offenses:

29 (1) the commission of any act of sexual abuse, misconduct, exploita-  
30 tion, or relations with a patient or client as defined in article one  
31 hundred thirty, article two hundred thirty, or article two hundred  
32 sixty-three of the penal law;

33 (2) drug or alcohol abuse directly resulting in harm to patients or  
34 the extent that such use impairs the ability of the individual to prac-  
35 tice safely;

36 (3) criminal conviction directly involving harm to patient health; or  
37 (4) inappropriate prescribing resulting in harm to patients and a  
38 probationary period of five years or more.

39 (B) The office of professional misconduct or a court of law ordered  
40 any of the following regardless if the individual has been placed on  
41 probation:

42 (1) a third-party chaperone shall be present when the individual exam-  
43 ines patients as a result of sexual misconduct; or

44 (2) the individual shall submit to drug testing as a result of  
45 substance abuse.

46 (C) The individual has not successfully completed a training program  
47 or any associated examinations required by the office of professional  
48 misconduct or a court of law as a condition of probation.

49 (D) The individual has been on probation for any offense more than  
50 three times.

51 (iv) The individual shall obtain from each patient, or their health  
52 care representative, a signed copy of the disclosure following the  
53 disclosure described in subparagraph (iii) of this paragraph that  
54 includes a written explanation of how the patient can find further  
55 information on the licensee's actions on the office of professional  
56 misconduct enforcement actions' website.

1 (v) The individual shall not be required to provide the disclosure  
2 prior to performing any treatment, service, procedure, or other direct  
3 health care as required by subdivision three of this section, if in the  
4 health care professional's judgment, an emergency exists and the person  
5 is in immediate need of medical attention, and an attempt to secure  
6 consent would result in delay of treatment which would increase the risk  
7 to such person's life or health, or if the patient is incapacitated and  
8 the patient's health care representative is not reasonably available.

9 (vi) Should a patient, or their health care representative, elect to  
10 cancel the patient's appointment, treatment, service, procedure, or  
11 other direct health care with the individual upon being provided with  
12 the disclosure required by subparagraph (iii) of this paragraph, neither  
13 the patient nor the patient's insurance company shall be charged for the  
14 appointment.

15 (vii) Any physician, physician's assistant or specialist's assistant  
16 who violates the provisions of this paragraph shall be subject to a  
17 penalty not to exceed two thousand dollars. Any individual who commits  
18 subsequent, willful violations of the provisions of this paragraph shall  
19 have their license suspended for a period of time to be determined by  
20 the office of professional misconduct.

21 (viii) The commissioner shall promulgate regulations to implement the  
22 requirements of this paragraph, and shall issue forms set forth that  
23 shall be used to satisfy the written requirement specified in this para-  
24 graph which shall also include:

25 (A) provisions that address a health care facility's responsibility to  
26 ensure the patient receives care from an appropriate individual or to  
27 transfer the patient if the patient refuses care from the individual  
28 that has been found to have committed misconduct or has been found to be  
29 liable or guilty of an offense by a court of law pursuant to subpara-  
30 graph (iii) of this paragraph and another individual is not available at  
31 the health care facility to provide care; and

32 (B) provisions related to enforcing of the requirements of this para-  
33 graph.

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