

STATE OF NEW YORK

8709

IN SENATE

January 7, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to professional misconduct by physicians, physician's assistants, and specialist's assistants

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 6530 of the education law is amended by adding six
2 new subdivisions 11-a, 23-a, 23-b, 35-a, 51 and 52 to read as follows:

3 11-a. Willfully representing unlicensed persons in a manner indicating
4 to patients or clients that such unlicensed persons are licensed;

5 23-a. Willfully representing to patients or clients that a facility
6 requires private health information from such patients, including but
7 not limited to information protected by the federal health insurance
8 portability and accountability act, when a reasonable licensee would not
9 consider such information necessary for performance of the services
10 provided at such facility;

11 23-b. Willfully representing that patients or clients' private health
12 information is protected by binding rules providing for privacy and
13 security of such information; including but not limited to protections
14 under the federal health insurance portability and accountability act,
15 when such information is not subject to such protections;

16 35-a. Willfully representing to patients or clients that an examina-
17 tion or test is being conducted or interpreted for diagnostic or treat-
18 ment purposes when such test is not being performed for such purposes;

19 51. Willfully representing to patients or clients that the facility in
20 which the licensee is practicing is licensed under New York state law to
21 diagnose, treat, operate, or prescribe for any human disease, pain,
22 injury, deformity or physical condition when such facility is not
23 licensed to do so.

24 52. Willfully representing to patients or clients that the facility in
25 which the licensee is practicing is subject to the sanitation or safety
26 standards of a facility licensed under New York state law when such
27 facility is not subject to such standards.

28 § 2. This act shall take effect immediately.

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

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