§ 2805-k. Investigations prior to granting or renewing privileges. 1. Prior to granting or renewing professional privileges or association of any physician, dentist or podiatrist or hiring a physician, dentist or podiatrist, a hospital or facility approved pursuant to this article shall request from the physician, dentist or podiatrist and the physician, dentist or podiatrist shall be required to provide the following information:

(a) The name of any hospital or facility with or at which the physician, dentist or podiatrist had or has any association, employment, privileges or practice;

(b) Where such association, employment, privilege or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical, dental or podiatric misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in such proceedings or actions, and any additional information concerning such proceedings or actions as the physician, dentist or podiatrist may deem appropriate;

(d) The substance of the findings in such actions or proceedings and any additional information concerning such actions or proceedings as the physician, dentist or podiatrist may deem appropriate;

(e) A waiver by the physician, dentist or podiatrist of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subdivision; and

(f) Documentation that the physician, dentist or podiatrist has completed the course work or training as mandated by section two hundred thirty-nine of this chapter or section six thousand five hundred five-b of the education law. A hospital or facility shall not grant or renew professional privileges or association to a physician, dentist, or podiatrist who has not completed such course work or training.

(g) A verification by the physician, dentist or podiatrist that the information provided by the physician, dentist or podiatrist is true and accurate.

2. Prior to granting privileges or association to any physician, dentist or podiatrist, or hiring a physician, dentist or podiatrist, any hospital or facility approved pursuant to this article shall request from any hospital with or at which such physician, dentist or podiatrist

had or has privileges, was associated, or was employed, the following information concerning such physician, dentist or podiatrist:

(a) Any pending professional medical conduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another; and

(c) Any information required to be reported by hospitals pursuant to section twenty-eight hundred three-e of this article.

3. If requested by the department, a hospital shall provide documentation that, prior to granting privileges, association or employing a physician, dentist or podiatrist, it has complied with the requirements of subdivisions one and two of this section and that, prior to renewing privileges, association or employment, it has complied with the requirements of subdivision one of this section. Copies of the information and documentation required pursuant to subdivisions one and two of this section shall be placed in the physician's, dentist's or podiatrist's personnel or credentials file maintained by the hospital.

4. Any hospital which receives a request for information from another hospital pursuant to subdivision one or two of this section shall provide such information concerning the physician, dentist or podiatrist in question to the extent such information is known to the hospital receiving such a request, including the reasons for suspension, termination, curtailment of employment or privileges at the hospital. Any hospital or hospital employee providing such information in good faith shall not be liable in any civil action for the release of such information.