§ 4405-b. Duty to report. 1. (a) A health maintenance organization licensed pursuant to article forty-three of the insurance law or certified pursuant to this chapter shall make a report to the appropriate professional disciplinary agency within thirty days of the occurrence of any of the following: (i) the termination of a health care provider contract pursuant to section forty-four hundred six-d of this article for reasons relating to alleged mental or physical impairment, misconduct or impairment of patient safety or welfare; (ii) the voluntary or involuntary termination of a contract or employment or other affiliation with such organization to avoid the imposition of disciplinary measures; or (iii) the termination of a health care provider contract in the case of a determination of fraud or in a case of imminent harm to patient health.

(b) An organization shall make a report to be made to the appropriate professional disciplinary agency within thirty days of obtaining knowledge of any information that reasonably appears to show that a health professional is guilty of professional misconduct as defined in article one hundred thirty or one hundred thirty-one-A of the education law. A violation of this subdivision shall not be subject to the provisions of section twelve-b of this chapter.

2. Reports of possible professional misconduct made pursuant to this section shall be made in writing to the appropriate professional disciplinary agency. Written reports shall include the following information:

(a) the name, address, profession and license number of the individual; and

(b) a description of the action taken by the organization including the reason for the action and the date thereof, or the nature of the action or conduct that led to the resignation, termination of contract or withdrawal, and the date thereof stated with sufficient specificity to allow a reasonable person to understand which of the reasons enumerated led to the action of the organization or the resignation or withdrawal of the individual, and, if the reason was an act or omission of the individual, the particular act or omission.

3. (a) Any report or information furnished to an appropriate

professional discipline agency in accordance with the provisions of this section shall be deemed a confidential communication and shall not be subject to inspection or disclosure in any manner except upon formal written request by a duly authorized public agency or pursuant to a judicial subpoena issued in a pending action or proceeding.

(b) Any person, facility, organization or corporation which makes a report pursuant to this section in good faith without malice shall have immunity from any liability, civil or criminal, for having made such report. For purposes of any proceeding, civil or criminal, the good faith of any person required to make a report shall be presumed.