

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the education law and the public health law, in relation to the scope of practice of certified nurse aides; and providing for the repeal of such provisions upon the expiration thereof (Subpart A); to amend the education law and the public health law, in relation to the scope and practice of medical assistants (Subpart B); to amend the education law, in relation to the administration of certain immunizations by pharmacists and pharmacy technicians (Subpart C); to amend the education law, in relation to authorizing a licensed pharmacist to prescribe and order medications to treat nicotine dependence for smoking cessation (Subpart D); and to amend the public health law, the business corporation law, the limited liability company law, the partnership law, the education law, the criminal procedure law, the civil practice law and rules, the executive law, the family court act, the insurance law, the social services law, the correction law, the general business law, the mental hygiene law, the penal law, the surrogate's court procedure act, the workers' compensation law and the administrative code of the city of New York, in relation to transferring provisions governing certain healthcare professions and making conforming changes to certain references; to repeal certain articles of the education law governing certain healthcare professions and transferring all functions, powers, duties, obligations and appropriations relating thereto; and to repeal section 230-e of the public health law relating to unauthorized pelvic examinations (Subpart E) (Part V);

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

1 PART V

2 Section 1. This part enacts into law major components of legislation

3 relating to the scope of practice of certified nurse aides, medical

4 assistants, pharmacists, and pharmacy technicians. Each component is

5 wholly contained within a Subpart identified as Subparts A through E.

1 The effective date for each particular provision contained within such  
2 Subpart is set forth in the last section of such Subpart. Any provision  
3 in any section contained within a Subpart, including the effective date  
4 of the Subpart, which makes reference to a section "of this act", when  
5 used in connection with that particular component, shall be deemed to  
6 mean and refer to the corresponding section of the Subpart in which it  
7 is found. Section three of this Part sets forth the general effective  
8 date of this Part.

9 SUBPART A

10 Section 1. Section 6908 of the education law is amended by adding a  
11 new subdivision 3 to read as follows:

12 3. This article shall not be construed as prohibiting medication  
13 related tasks provided by a certified medication aide working in a resi-  
14 dential health care facility, as defined in section twenty-eight hundred  
15 one of the public health law, in accordance with regulations developed  
16 by the commissioner of health, in consultation with the commissioner.  
17 The commissioner of health, in consultation with the commissioner, shall  
18 adopt regulations governing certified medication aides that, at a mini-  
19 mum, shall:

20 a. specify the medication-related tasks that may be performed by  
21 certified medication aides pursuant to this subdivision. Such tasks  
22 shall include the administration of medications which are routine and  
23 pre-filled or otherwise packaged in a manner that promotes relative ease  
24 of administration, provided that administration of medications by  
25 injection, sterile procedures, and central line maintenance shall be  
26 prohibited. Provided, however, such prohibition shall not apply to

1 injections of insulin or other injections for diabetes care, to  
2 injections of low molecular weight heparin, and to pre-filled auto-in-  
3 jections of naloxone and epinephrine for emergency purposes, and  
4 provided, further, that entities employing certified medication aides  
5 pursuant to this subdivision shall establish a systematic approach to  
6 address drug diversion;

7 b. provide that medication-related tasks performed by certified medi-  
8 cation aides may be performed only under appropriate supervision as  
9 determined by the commissioner of health;

10 c. establish a process by which a registered professional nurse may  
11 assign medication-related tasks to a certified medication aide. Such  
12 process shall include, but not be limited to:

13 (i) allowing assignment of medication-related tasks to a certified  
14 medication aide only where such certified medication aide has demon-  
15 strated to the satisfaction of the supervising registered professional  
16 nurse competency in every medication-related task that such certified  
17 medication aide is authorized to perform, a willingness to perform such  
18 medication-related tasks, and the ability to effectively and efficiently  
19 communicate with the individual receiving services and understand such  
20 individual's needs;

21 (ii) authorizing the supervising registered professional nurse to  
22 revoke any assigned medication-related task from a certified medication  
23 aide for any reason; and

24 (iii) authorizing multiple registered professional nurses to jointly  
25 agree to assign medication-related tasks to a certified medication aide,  
26 provided further that only one registered professional nurse shall be  
27 required to determine if the certified medication aide has demonstrated  
28 competency in the medication-related task to be performed;

1 d. provide that medication-related tasks may be performed only in  
2 accordance with and pursuant to an authorized health practitioner's  
3 ordered care;

4 e. provide that only a certified nurse aide may perform medication-re-  
5 lated tasks as a certified medication aide when such aide has:

6 (i) a valid New York state nurse aide certificate;

7 (ii) a high school diploma, or its equivalent;

8 (iii) evidence of being at least eighteen years old;

9 (iv) at least one year of experience providing nurse aide services in  
10 a residential health care facility licensed pursuant to article twenty-  
11 eight of the public health law or a similarly licensed facility in  
12 another state or United States territory;

13 (v) the ability to read, write, and speak English and to perform basic  
14 math skills;

15 (vi) completed the requisite training and demonstrated competencies of  
16 a certified medication aide as determined by the commissioner of health  
17 in consultation with the commissioner;

18 (vii) successfully completed competency examinations satisfactory to  
19 the commissioner of health in consultation with the commissioner; and

20 (viii) meets other appropriate qualifications as determined by the  
21 commissioner of health in consultation with the commissioner;

22 f. prohibit a certified medication aide from holding themselves out,  
23 or accepting employment as, a person licensed to practice nursing under  
24 the provisions of this article;

25 g. provide that a certified medication aide is not required nor  
26 permitted to assess the medication or medical needs of an individual;

27 h. provide that a certified medication aide shall not be authorized to  
28 perform any medication-related tasks or activities pursuant to this

1 subdivision that are outside the scope of practice of a licensed practi-  
2 cal nurse or any medication-related tasks that have not been appropri-  
3 ately assigned by the supervising registered professional nurse;

4 i. provide that a certified medication aide shall document all medica-  
5 tion-related tasks provided to an individual, including medication  
6 administration to each individual through the use of a medication admin-  
7 istration record; and

8 j. provide that the supervising registered professional nurse shall  
9 retain the discretion to decide whether to assign medication-related  
10 tasks to certified medication aides under this program and shall not be  
11 subject to coercion, retaliation, or the threat of retaliation.

12 § 2. Section 6909 of the education law is amended by adding a new  
13 subdivision 12 to read as follows:

14 12. A registered professional nurse, while working for a residential  
15 health care facility licensed pursuant to article twenty-eight of the  
16 public health law, may, in accordance with this subdivision, assign  
17 certified medication aides to perform medication-related tasks for indi-  
18 viduals pursuant to the provisions of subdivision three of section  
19 sixty-nine hundred eight of this article and supervise certified medica-  
20 tion aides who perform assigned medication-related tasks.

21 § 3. Paragraph (a) of subdivision 3 of section 2803-j of the public  
22 health law, as added by chapter 717 of the laws of 1989, is amended to  
23 read as follows:

24 (a) Identification of individuals who have successfully completed a  
25 nurse aide training and competency evaluation program, [or] a nurse aide  
26 competency evaluation program, or a medication aide program;

27 § 4. The commissioner of health shall, in consultation with the  
28 commissioner of education, issue a report on the implementation of

1 certified medication aides in residential care facilities in the state  
2 two years after the effective date of this act. Such report shall  
3 include the number of certified medication aides authorized pursuant to  
4 this act; the impact, if any, that the introduction of certified medica-  
5 tion aides had on workforce availability in residential care facilities  
6 and/or the retention of registered nurses and/or licensed practical  
7 nurses working in residential care facilities; the number of complaints  
8 pertaining to services provided by certified medication aides that were  
9 reported to the department of health; and the number of certified medi-  
10 cation aides who had their authorization limited or revoked. Such report  
11 shall provide recommendations to the governor and the chairs of the  
12 senate and assembly health and higher education committees regarding the  
13 implementation of certified medication aides pursuant to this act, and  
14 any recommendations related thereto.

15 § 5. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law and shall expire ten years following such  
17 effective date when upon such date the provisions of this act shall  
18 expire and be deemed repealed.

19 SUBPART B

20 Section 1. Section 6526 of the education law is amended by adding a  
21 new subdivision 9-a to read as follows:

22 9-a. A medical assistant when drawing and administering an immuniza-  
23 tion in an outpatient office setting under the direct supervision of a  
24 physician or a physician assistant.

25 § 2. The public health law is amended by adding a new section 2113 to  
26 read as follows:

1 § 2113. Administration of immunizations; medical assistants. Notwith-  
2 standing any other law, rule, or regulation to the contrary, physicians  
3 and physician assistants are hereby authorized to delegate the task of  
4 drawing up and administering immunizations to medical assistants in  
5 outpatient office settings provided such immunizations are recommended  
6 by the advisory committee for immunization practices (ACIP) of the  
7 Centers for Disease Control and Prevention; and provided further that  
8 medical assistants receive appropriate training and adequate supervision  
9 determined pursuant to regulations by the commissioner in consultation  
10 with the commissioner of education.

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

16 SUBPART C

17 Section 1. Paragraphs (a) and (b) of subdivision 7 of section 6527 of  
18 the education law, as amended by chapter 555 of the laws of 2021, are  
19 amended to read as follows:

20 (a) administering immunizations to prevent influenza and COVID-19 to  
21 patients two years of age or older; and (b) administering immunizations  
22 to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,  
23 human papillomavirus, measles, mumps, rubella, varicella, [COVID-19,]  
24 meningococcal, tetanus, diphtheria or pertussis disease and medications  
25 required for emergency treatment of anaphylaxis to patients eighteen  
26 years of age or older; and

1 § 2. Paragraph (b) of subdivision 4 of section 6801 of the education  
2 law, as amended by section 1 of part DD of chapter 57 of the laws of  
3 2018, is amended to read as follows:

4 (b) education materials on influenza and COVID-19 vaccinations for  
5 children as determined by the commissioner and the commissioner of  
6 health.

7 § 3. Subparagraph 2 of paragraph (a) of subdivision 22 of section 6802  
8 of the education law, as amended by chapter 802 of the laws of 2022, is  
9 amended to read as follows:

10 (2) the direct application of an immunizing agent to children between  
11 the ages of two and eighteen years of age, whether by injection, inges-  
12 tion, inhalation or any other means, pursuant to a patient specific  
13 order or non-patient specific regimen prescribed or ordered by a physi-  
14 cian or certified nurse practitioner, for immunization to prevent influ-  
15 enza and COVID-19 and medications required for emergency treatment of  
16 anaphylaxis resulting from such immunization. If the commissioner of  
17 health determines that there is an outbreak of influenza or COVID-19, or  
18 that there is the imminent threat of an outbreak of influenza or COVID-  
19 19, then the commissioner of health may issue a non-patient specific  
20 regimen applicable statewide.

21 § 4. Paragraphs (a) and (b) of subdivision 7 of section 6909 of the  
22 education law, as amended by chapter 555 of the laws of 2021, are  
23 amended to read as follows:

24 (a) administering immunizations to prevent influenza and COVID-19 to  
25 patients two years of age or older; and (b) administering immunizations  
26 to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,  
27 human papillomavirus, measles, mumps, rubella, varicella, [COVID-19,]  
28 meningococcal, tetanus, diphtheria or pertussis disease and medications



1 required for emergency treatment of anaphylaxis to patients eighteen  
2 years of age or older; and

3 § 5. Subdivision 1 of section 6841 of the education law, as added by  
4 chapter 414 of the laws of 2019, is amended to read as follows:

5 1. (a) A registered pharmacy technician may, under the direct personal  
6 supervision of a licensed pharmacist, assist such licensed pharmacist,  
7 as directed, in compounding, preparing, labeling, or dispensing of drugs  
8 used to fill valid prescriptions or medication orders or in compounding,  
9 preparing, and labeling in anticipation of a valid prescription or medi-  
10 cation order for a patient to be served by the facility, in accordance  
11 with article one hundred thirty-seven of this title where such tasks  
12 require no professional judgment. Such professional judgment shall only  
13 be exercised by a licensed pharmacist. A registered pharmacy technician  
14 may administer the same immunizations as licensed pharmacists are  
15 authorized to administer under the direct supervision of a licensed  
16 pharmacist consistent with the training and other requirements in arti-  
17 cle one hundred thirty-seven of this title. A registered pharmacy tech-  
18 nician may only practice in a facility licensed in accordance with arti-  
19 cle twenty-eight of the public health law, or a pharmacy owned and  
20 operated by such a facility, under the direct personal supervision of a  
21 licensed pharmacist employed in such a facility or pharmacy. Such facil-  
22 ity shall be responsible for ensuring that the registered pharmacy tech-  
23 nician has received appropriate training, in accordance with paragraph  
24 (b) of this subdivision, to ensure competence before [he or she] such  
25 registered pharmacy technician begins assisting a licensed pharmacist in  
26 compounding, administering immunizations, preparing, labeling, or  
27 dispensing of drugs, in accordance with this article and article one  
28 hundred thirty-seven of this title. For the purposes of this article,

1 direct personal supervision means supervision of procedures based on  
2 instructions given directly by a supervising licensed pharmacist who  
3 remains in the immediate area where the procedures are being performed,  
4 authorizes the procedures and evaluates the procedures performed by the  
5 registered pharmacy technicians and a supervising licensed pharmacist  
6 shall approve all work performed by the registered pharmacy technician  
7 prior to the actual dispensing of any drug.

8 (b) No registered pharmacy technician shall administer immunizing  
9 agents without receiving training satisfactory to the commissioner, in  
10 consultation with the commissioner of health, as prescribed in regu-  
11 lations of the commissioner, which shall include, but not be limited to:  
12 techniques for screening individuals and obtaining informed consent;  
13 techniques of administration; indications, precautions, and contraindi-  
14 cations in the use of an agent or agents; recordkeeping of immunization  
15 and information; and handling emergencies, including anaphylaxis and  
16 needlestick injuries. The registered pharmacy technician and the facili-  
17 ty shall maintain documentation that the registered pharmacy technician  
18 has completed the required training, pursuant to regulations of the  
19 commissioner.

20 § 6. This act shall take effect immediately and shall be deemed to  
21 have been in full force and effect on and after April 1, 2025.

22 SUBPART D

23 Section 1. Section 6801 of the education law is amended by adding a  
24 new subdivision 10 to read as follows:

1 10. A licensed pharmacist within their lawful scope of practice may  
2 prescribe and order medications to treat nicotine dependence approved by  
3 the federal food and drug administration for smoking cessation.

4 § 2. This act shall take effect nine months after it shall have become  
5 a law.

6 SUBPART E

7 Section 1. Article 131-A of the education law is REPEALED.

8 § 2. Section 230-e of the public health law is REPEALED.

9 § 3. Title 2-A of article 2 of the public health law is amended by  
10 adding five new sections 230-e, 230-f, 230-g, 230-h and 230-i to read as  
11 follows:

12 § 230-e. Definitions of professional misconduct applicable to physi-  
13 cians, physician's assistants and specialist's assistants. Each of the  
14 following is professional misconduct, and any licensee found guilty of  
15 such misconduct under the procedures described in section two hundred  
16 thirty of this title shall be subject to penalties as prescribed in  
17 section two hundred thirty-a of this title except that the charges may  
18 be dismissed in the interest of justice:

19 1. Obtaining the license fraudulently;

20 2. Practicing the profession fraudulently or beyond its authorized  
21 scope;

22 3. Practicing the profession with negligence on more than one occa-  
23 sion;

24 4. Practicing the profession with gross negligence on a particular  
25 occasion;

- 1 5. Practicing the profession with incompetence on more than one occa-  
2 sion;
- 3 6. Practicing the profession with gross incompetence;
- 4 7. Practicing the profession while impaired by alcohol, drugs, phys-  
5 ical disability, or mental disability;
- 6 8. Being a habitual abuser of alcohol, or being dependent on or a  
7 habitual user of narcotics, barbiturates, amphetamines, hallucinogens,  
8 or other drugs having similar effects, except for a licensee who is  
9 maintained on an approved therapeutic regimen which does not impair the  
10 ability to practice, or having a psychiatric condition which impairs the  
11 licensee's ability to practice;
- 12 9.(a) Being convicted of committing an act constituting a crime under:
- 13 (i) New York state law, or
- 14 (ii) federal law, or
- 15 (iii) the law of another jurisdiction and which, if committed within  
16 this state, would have constituted a crime under New York state law;
- 17 (b) Having been found guilty of improper professional practice or  
18 professional misconduct by a duly authorized professional disciplinary  
19 agency of another state where the conduct upon which the finding was  
20 based would, if committed in New York state, constitute professional  
21 misconduct under the laws of New York state;
- 22 (c) Having been found guilty in an adjudicatory proceeding of violat-  
23 ing a state or federal statute or regulation, pursuant to a final deci-  
24 sion or determination, and when no appeal is pending, or after resol-  
25 ution of the proceeding by stipulation or agreement, and when the  
26 violation would constitute professional misconduct pursuant to this  
27 section;

1 (d) Having their license to practice medicine revoked, suspended or  
2 having other disciplinary action taken, or having their application for  
3 a license refused, revoked or suspended or having voluntarily or other-  
4 wise surrendered their license after a disciplinary action was insti-  
5 tuted by a duly authorized professional disciplinary agency of another  
6 state, where the conduct resulting in the revocation, suspension or  
7 other disciplinary action involving the license or refusal, revocation  
8 or suspension of an application for a license or the surrender of the  
9 license would, if committed in New York state, constitute professional  
10 misconduct under the laws of New York state;

11 (e) Having been found by the commissioner to be in violation of arti-  
12 cle thirty-three of this chapter;

13 10. Refusing to provide professional service to a person because of  
14 such person's race, creed, color or national origin;

15 11. Permitting, aiding or abetting an unlicensed person to perform  
16 activities requiring a license;

17 12. Participating in the profession while the license is suspended or  
18 inactive as defined in subdivision thirteen of section two hundred thir-  
19 ty of this title, or willfully failing to register or notify the depart-  
20 ment of any change of name or mailing address, or, if a professional  
21 service corporation, willfully failing to comply with sections fifteen  
22 hundred three and fifteen hundred fourteen of the business corporation  
23 law or, if a university faculty practice corporation willfully failing  
24 to comply with paragraphs (b), (c) and (d) of section fifteen hundred  
25 three and section fifteen hundred fourteen of the business corporation  
26 law;

27 13. A willful violation by a licensee of subdivision eleven of section  
28 two hundred thirty of this title;

1 14. A violation of sections twenty-eight hundred three-d, twenty-eight  
2 hundred five-k of this chapter or subparagraph (ii) of paragraph (h) of  
3 subdivision ten of section two hundred thirty of this title;

4 15. Failure to comply with an order issued pursuant to subdivision  
5 seven, paragraph (a) of subdivision ten, or subdivision seventeen of  
6 section two hundred thirty of this title;

7 16. A willful or grossly negligent failure to comply with substantial  
8 provisions of federal, state, or local laws, or regulations governing  
9 the practice of medicine;

10 17. Exercising undue influence on the patient, including the promotion  
11 of the sale of services, goods, appliances, or drugs in such manner as  
12 to exploit the patient for the financial gain of the licensee or of a  
13 third party;

14 18. Directly or indirectly offering, giving, soliciting, or receiving  
15 or agreeing to receive, any fee or other consideration to or from a  
16 third party for the referral of a patient or in connection with the  
17 performance of professional services;

18 19. Permitting any person to share in the fees for professional  
19 services, other than: a partner, employee, associate in a professional  
20 firm or corporation, professional subcontractor or consultant authorized  
21 to practice medicine, or a legally authorized trainee practicing under  
22 the supervision of a licensee. This prohibition shall include any  
23 arrangement or agreement whereby the amount received in payment for  
24 furnishing space, facilities, equipment or personnel services used by a  
25 licensee constitutes a percentage of, or is otherwise dependent upon,  
26 the income or receipts of the licensee from such practice, except as  
27 otherwise provided by law with respect to a facility licensed pursuant

1 to article twenty-eight of this chapter or article thirteen of the  
2 mental hygiene law;

3 20. Conduct in the practice of medicine which evidences moral unfit-  
4 ness to practice medicine;

5 21. Willfully making or filing a false report, or failing to file a  
6 report required by law or by the department or the education department,  
7 or willfully impeding or obstructing such filing, or inducing another  
8 person to do so;

9 22. Failing to make available to a patient, upon request, copies of  
10 documents in the possession or under the control of the licensee which  
11 have been prepared for and paid for by the patient or client;

12 23. Revealing of personally identifiable facts, data, or information  
13 obtained in a professional capacity without the prior consent of the  
14 patient, except as authorized or required by law;

15 24. Practicing or offering to practice beyond the scope permitted by  
16 law, or accepting and performing professional responsibilities which the  
17 licensee knows or has reason to know that they are not competent to  
18 perform, or performing without adequate supervision professional  
19 services which the licensee is authorized to perform only under the  
20 supervision of a licensed professional, except in an emergency situation  
21 where a person's life or health is in danger;

22 25. Delegating professional responsibilities to a person when the  
23 licensee delegating such responsibilities knows or has reason to know  
24 that such person is not qualified, by training, by experience, or by  
25 licensure, to perform them;

26 26. With respect to any non-emergency treatment, procedure or surgery  
27 which is expected to involve local or general anesthesia, failing to  
28 disclose to the patient the identities of all physicians, except health-

1 care professionals in certified anesthesiology training programs, podia-  
2 trists and dentists, reasonably anticipated to be actively involved in  
3 such treatment, procedure or surgery and to obtain such patient's  
4 informed consent to said practitioners' participation;

5 27. Performing professional services which have not been duly author-  
6 ized by the patient or their legal representative;

7 28. Advertising or soliciting for patronage that is not in the public  
8 interest;

9 (a) Advertising or soliciting not in the public interest shall  
10 include, but not be limited to, advertising or soliciting that:

11 (i) is false, fraudulent, deceptive, misleading, sensational, or flam-  
12 boyant;

13 (ii) represents intimidation or undue pressure;

14 (iii) uses testimonials;

15 (iv) guarantees any service;

16 (v) makes any claim relating to professional services or products or  
17 the costs or price therefor which cannot be substantiated by the licen-  
18 see, who shall have the burden of proof;

19 (vi) makes claims of professional superiority which cannot be substan-  
20 tiated by the licensee, who shall have the burden of proof; or

21 (vii) offers bonuses or inducements in any form other than a discount  
22 or reduction in an established fee or price for a professional service  
23 or product.

24 (b) The following shall be deemed appropriate means of informing the  
25 public of the availability of professional services:

26 (i) informational advertising not contrary to the foregoing prohibi-  
27 tions; and



1 (ii) the advertising in a newspaper, periodical or professional direc-  
2 tory or on radio or television of fixed prices, or a stated range of  
3 prices, for specified routine professional services, provided that if  
4 there is an additional charge for related services which are an integral  
5 part of the overall services being provided by the licensee, the adver-  
6 tisement shall so state, and provided further that the advertisement  
7 indicates the period of time for which the advertised prices shall be in  
8 effect.

9 (c)(i) All licensees placing advertisements shall maintain, or cause  
10 to be maintained, an exact copy of each advertisement, transcript, tape  
11 or video tape thereof as appropriate for the medium used, for a period  
12 of one year after its last appearance. This copy shall be made available  
13 for inspection upon demand of the department;

14 (ii) A licensee shall not compensate or give anything of value to  
15 representatives of the press, radio, television, or other communications  
16 media in anticipation of or in return for professional publicity in a  
17 news item;

18 (d) No demonstrations, dramatizations or other portrayals of profes-  
19 sional practice shall be permitted in advertising on radio or tele-  
20 vision;

21 29. Failing to respond within thirty days to written communications  
22 from the department and to make available any relevant records with  
23 respect to an inquiry or complaint about the licensee's professional  
24 misconduct. The period of thirty days shall commence on the date when  
25 such communication was delivered personally to the licensee. If the  
26 communication is sent from the department by registered or certified  
27 mail, with return receipt requested, to the address appearing in the

1 last registration, the period of thirty days shall commence on the date  
2 of delivery of the licensee, as indicated by the return receipt;

3 30. Violating any term of probation or condition or limitation imposed  
4 on the licensee pursuant to section two hundred thirty of this title;

5 31. Abandoning or neglecting a patient under and in need of immediate  
6 professional care, without making reasonable arrangements for the  
7 continuation of such care, or abandoning a professional employment by a  
8 group practice, hospital, clinic or other health care facility, without  
9 reasonable notice and under circumstances which seriously impair the  
10 delivery of professional care or clients;

11 32. Willfully harassing, abusing, or intimidating a patient either  
12 physically or verbally;

13 33. Failing to maintain a record for each patient which accurately  
14 reflects the evaluation and treatment of the patient, provided, however,  
15 that a licensee who transfers an original mammogram to a medical insti-  
16 tution, or to a physician or health care provider of the patient, or to  
17 the patient directly, as otherwise provided by law, shall have no obli-  
18 gation under this section to maintain the original or a copy thereof.  
19 Unless otherwise provided by law, all patient records must be retained  
20 for at least six years. Obstetrical records and records of minor  
21 patients must be retained for at least six years, and until one year  
22 after the minor patient reaches the age of eighteen years;

23 34. Failing to exercise appropriate supervision over persons who are  
24 authorized to practice only under the supervision of the licensee;

25 35. Guaranteeing that satisfaction or a cure will result from the  
26 performance of professional services;

27 36. Ordering of excessive tests, treatment, or use of treatment facil-  
28 ities not warranted by the condition of the patient;

1 37. Claiming or using any secret or special method of treatment which  
2 the licensee refused to divulge to the department;

3 38. Failing to wear an identifying badge, which shall be conspicuously  
4 displayed and legible, indicating the practitioner's name and profes-  
5 sional title authorized pursuant to article thirty-seven-B of this chap-  
6 ter or title eight of the education law while practicing as an employee  
7 or operator of a hospital, clinic, group practice or multi-professional  
8 facility, or at a commercial establishment offering health services to  
9 the public;

10 39. Entering into an arrangement or agreement with a pharmacy for the  
11 compounding and/or dispensing of coded or specially marked  
12 prescriptions;

13 40. With respect to all professional practices conducted under an  
14 assumed name, other than facilities licensed pursuant to article twen-  
15 ty-eight of this chapter or article thirteen of the mental hygiene law,  
16 failing to post conspicuously at the site of such practice the name and  
17 licensure field of all of the principal professional licensees engaged  
18 in the practice at that site, including but not limited to, principal  
19 partners, officers or principal shareholders;

20 41. Failing to provide access by qualified persons to patient informa-  
21 tion in accordance with the standards set forth in section eighteen of  
22 this chapter;

23 42. Knowingly or willfully performing a complete or partial autopsy on  
24 a deceased person without lawful authority;

25 43. Failing to comply with a signed agreement to practice medicine in  
26 New York state in an area designated by the commissioner or the commis-  
27 sioner of education as having a shortage of physicians or refusing to  
28 repay medical education costs in lieu of such required service, or fail-

1 ing to comply with any provision of a written agreement with the state  
2 or any municipality within which the licensee has agreed to provide  
3 medical service, or refusing to repay funds in lieu of such service as  
4 consideration of awards made by the state or any municipality thereof  
5 for their professional education in medicine, or failing to comply with  
6 any agreement entered into to aid their medical education;

7 44. Failing to complete forms or reports required for the reimburse-  
8 ment of a patient by a third party. Reasonable fees may be charged for  
9 such forms or reports, but prior payment for the professional services  
10 to which such forms or reports relate may not be required as a condition  
11 for making such forms or reports available;

12 45. In the practice of psychiatry,

13 (a) any physical contact of a sexual nature between licensee and  
14 patient except the use of films and/or other audiovisual aids with indi-  
15 viduals or groups in the development of appropriate responses to over-  
16 come sexual dysfunction;

17 (b) in therapy groups, activities which promote explicit physical  
18 sexual contact between group members during sessions;

19 46. In the practice of ophthalmology, failing to provide a patient,  
20 upon request, with the patient's prescription including the name,  
21 address, and signature of the prescriber and the date of the  
22 prescription;

23 47. A violation of section two hundred thirty-nine of this chapter by  
24 a professional;

25 48. Failure to use scientifically accepted barrier precautions and  
26 infection control practices established by the department pursuant to  
27 section two hundred thirty-nine-a of this article;

1 49. A violation of section two hundred thirty-d of this title or the  
2 regulations of the commissioner enacted thereunder;

3 50. Except for good cause shown, failing to provide within one day any  
4 relevant records or other information requested by the state or local  
5 department of health with respect to an inquiry into a report of a  
6 communicable disease as defined in the state sanitary code, or HIV/AIDS;  
7 and

8 51. Performing a pelvic examination or supervising the performance of  
9 a pelvic examination in violation of subdivision seven of section twen-  
10 ty-five hundred four of this chapter.

11 § 230-f. Additional definition of professional misconduct, limited  
12 application. Notwithstanding any inconsistent provision of this title or  
13 any other provisions of law to the contrary, the license or registration  
14 of a person subject to the provisions of this title may be revoked,  
15 suspended, or annulled or such person may be subject to any other penal-  
16 ty provided in this title in accordance with the provisions and proce-  
17 dures of this title for the following:

18 That any person subject to this title has directly or indirectly  
19 requested, received or participated in the division, transference,  
20 assignment, rebate, splitting, or refunding of a fee for, or has direct-  
21 ly requested, received or profited by means of a credit or other valu-  
22 able consideration as a commission, discount or gratuity, in connection  
23 with the furnishing of professional care or service, including x-ray  
24 examination and treatment, or in connection with the sale, rental,  
25 supplying, or furnishing of clinical laboratory services or supplies,  
26 x-ray laboratory services or supplies, inhalation therapy service or  
27 equipment, ambulance service, hospital or medical supplies, physiothera-  
28 py or other therapeutic service or equipment, artificial limbs, teeth or

1 eyes, orthopedic or surgical appliances or supplies, optical appliances,  
2 supplies, or equipment, devices for aid of hearing, drugs, medication,  
3 or medical supplies, or any other goods, services, or supplies  
4 prescribed for medical diagnosis, care, or treatment under this chapter  
5 except payment, not to exceed thirty-three and one-third percent of any  
6 fee received for x-ray examination, diagnosis, or treatment, to any  
7 hospital furnishing facilities for such examination, diagnosis, or  
8 treatment. Nothing contained in this section shall prohibit such  
9 persons from practicing as partners, in groups or as a professional  
10 corporation or as a university faculty practice corporation, nor from  
11 pooling fees and moneys received, either by the partnerships, profes-  
12 sional corporations, or university faculty practice corporations or  
13 groups by the individual members thereof, for professional services  
14 furnished by an individual professional member, or employee of such  
15 partnership, corporation, or group, nor shall the professionals consti-  
16 tuting the partnerships, corporations or groups be prohibited from shar-  
17 ing, dividing, or apportioning the fees and moneys received by them or  
18 by the partnership, corporation, or group in accordance with a partner-  
19 ship or other agreement; provided that no such practice as partners,  
20 corporations, or groups, or pooling of fees or moneys received or  
21 shared, division or apportionment of fees shall be permitted with  
22 respect to and treatment under the workers' compensation law. Nothing  
23 contained in this chapter shall prohibit a corporation licensed pursuant  
24 to article forty-three of the insurance law pursuant to its contract  
25 with the subscriber from prorationing a medical or dental expenses  
26 indemnity allowance among two or more professionals in proportion to the  
27 services rendered by each such professional at the request of the  
28 subscriber, provided that prior to payment thereof such professionals

1 shall submit both to the corporation licensed pursuant to article  
2 forty-three of the insurance law and to the subscriber statements item-  
3 izing the services rendered by each such professional and the charges  
4 therefor.

5 § 230-g. Additional definition of professional misconduct, mental  
6 health professionals. 1. Definitions. For the purposes of this section:

7 (a) "Mental health professional" means a person subject to the  
8 provisions of article one hundred thirty-one of the education law.

9 (b) "Sexual orientation change efforts"

10 (i) means any practice by a mental health professional that seeks to  
11 change an individual's sexual orientation, including, but not limited  
12 to, efforts to change behaviors, gender identity, or gender expressions,  
13 or to eliminate or reduce sexual or romantic attractions or feelings  
14 towards individuals of the same sex; and

15 (ii) shall not include counseling for a person seeking to transition  
16 from one gender to another, or psychotherapies that:

17 (A) provide acceptance, support and understanding of patients or the  
18 facilitation of patients' coping, social support, and identity explora-  
19 tion and development, including sexual orientation-neutral interventions  
20 to prevent or address unlawful conduct or unsafe sexual practices; and

21 (B) do not seek to change sexual orientation.

22 2. It shall be professional misconduct for a mental health profes-  
23 sional to engage in sexual orientation change efforts upon any patient  
24 under the age of eighteen years, and any mental health professional  
25 found guilty of such misconduct under the procedures prescribed in this  
26 title shall be subject to the penalties prescribed in this title.

27 § 230-h. Exceptions; reproductive health services. 1. As used in this  
28 section, the following terms shall have the following meanings:

1 (a) "Reproductive health services" shall include:

2 (i) abortion pursuant to section twenty-five hundred ninety-nine-bb of  
3 this chapter;

4 (ii) emergency contraception as defined in section twenty-eight  
5 hundred five-p of this chapter; and

6 (iii) medical, surgical, counseling or referral services relating to  
7 the human reproductive system, including services relating to pregnancy  
8 or the termination of a pregnancy.

9 (b) "Health care practitioner" means a person who is licensed, certi-  
10 fied, or authorized under article thirty-seven-B of this chapter or  
11 title eight of the education law and acting within their lawful scope of  
12 practice.

13 (c) "Gender-affirming care" means any type of care provided to an  
14 individual to their gender identity or gender expression; provided that  
15 surgical interventions on minors with variations in their sex character-  
16 istics that are not sought and initiated by the individual patient are  
17 not gender-affirming care.

18 2. The performance, recommendation, or provision of any reproductive  
19 health services or gender-affirming care, as defined in subdivision one  
20 of this section, or any legally protected health activity as defined in  
21 paragraph (b) of subdivision one of section 570.17 of the criminal  
22 procedure law, by a health care practitioner acting within their scope  
23 of practice, for a patient who resides in a state wherein the perform-  
24 ance, recommendation, or provision of such reproductive health services  
25 or gender-affirming care is illegal, shall not, by itself, constitute  
26 professional misconduct under this title or any other law, rule or regu-  
27 lation governing the licensure, certification or authorization of such  
28 practitioner, nor shall any license, certification or authorization of a



1 health care practitioner be revoked, suspended, or annulled or otherwise  
2 subject to any other penalty or discipline provided in this title solely  
3 on the basis that such health care practitioner performed, recommended,  
4 or provided any such reproductive health services or gender-affirming  
5 care for a patient who resides in a state wherein the performance,  
6 recommendation, or provision of such reproductive health services or  
7 gender-affirming care is illegal.

8 3. Nothing in this section shall be construed to expand the scope of  
9 practice of any individual licensed, certified or authorized under this  
10 chapter or title eight of the education law, nor does this section give  
11 any such individual the authority to act outside their scope of prac-  
12 tice, as defined in this chapter.

13 § 230-i. Enforcement, administration and interpretation of this title.  
14 The board of professional medical conduct and the department shall  
15 enforce, administer and interpret this title.

16 § 4. Article 131 of the education law is REPEALED.

17 § 5. The public health law is amended by adding a new article 37-B to  
18 read as follows:

19 Article 37-B

20 PHYSICIANS

21 Section 3750. Introduction.

22 3751. Definition of practice of medicine.

23 3752. Practice of medicine and use of title "physician".

24 3753. State board for medicine.

25 3754. Requirements for a professional license.

26 3755. Limited permits.

27 3756. Exempt persons.

28 3757. Special provisions.

1           3758. Qualification of certain applicants for licensure.

2           3759. Power of board of regents regarding certain physicians.

3           3760. Commissioner; powers and duties.

4       § 3750. Introduction. This article applies to the profession of medi-  
5 cine. The general provisions for all professions contained in article  
6 one hundred thirty of title eight of the education law apply to this  
7 article.

8       § 3751. Definition of practice of medicine. The practice of the  
9 profession of medicine is defined as diagnosing, treating, operating or  
10 prescribing for any human disease, pain, injury, deformity or physical  
11 condition.

12       § 3752. Practice of medicine and use of title "physician". Only a  
13 person licensed or otherwise authorized under this article shall prac-  
14 tice medicine or use the title "physician".

15       § 3753. State board for medicine. A state board for medicine shall be  
16 appointed by the governor for the purpose of assisting the department on  
17 matters of professional licensing in accordance with this article. As  
18 used in this article "board" shall mean the state board of medicine  
19 established pursuant to this section. The board shall be composed of not  
20 less than twenty physicians licensed in this state for at least five  
21 years, two of whom shall be doctors of osteopathy. To the extent such  
22 physician appointees are available for appointment, at least one of the  
23 physician appointees to the state board for medicine shall be an expert  
24 on reducing health disparities among demographic subgroups, and one  
25 shall be an expert on women's health. The board shall also consist of  
26 not less than two physician's assistants licensed to practice in this  
27 state. The participation of physician's assistant members shall be  
28 limited to matters relating to article thirty-seven of this chapter. An

1 executive secretary to the board shall be appointed by the governor and  
2 shall be either a physician licensed in this state or a non-physician,  
3 deemed qualified by the commissioner.

4 § 3754. Requirements for a professional license. To qualify for a  
5 license as a physician, an applicant shall fulfill the following  
6 requirements:

7 1. Application: file an application with the department;

8 2. Education: have received an education, including a degree of doctor  
9 of medicine, "M.D.", or doctor of osteopathy, "D.O.", or equivalent  
10 degree in accordance with the commissioner's regulations;

11 3. Experience: have experience satisfactory to the department and in  
12 accordance with the commissioner's regulations;

13 4. Examination: pass an examination satisfactory to the department and  
14 in accordance with the commissioner's regulations;

15 5. Age: be at least twenty-one years of age; however, the commissioner  
16 may waive the age requirement for applicants who have attained the age  
17 of eighteen and will be in a residency program until the age of twenty-  
18 one;

19 6. Citizenship or immigration status: be a United States citizen or a  
20 noncitizen lawfully admitted for permanent residence in the United  
21 States; provided, however that the department may grant a three year  
22 waiver for a noncitizen physician to practice in an area which has been  
23 designated by the department as medically underserved, except that the  
24 department may grant an additional extension not to exceed six years to  
25 a noncitizen physician to enable such physician to secure citizenship or  
26 permanent resident status, provided such status is being actively  
27 pursued; and provided further that the department may grant an addi-  
28 tional three year waiver, and at its expiration, an extension for a

1 period not to exceed six additional years, for the holder of an H-1B  
2 visa, an O-1 visa, or an equivalent or successor visa thereto;

3 7. Character: be of good moral character as determined by the depart-  
4 ment;

5 8. Fees: pay a fee of two hundred ninety dollars to the department for  
6 admission to a department conducted examination and for an initial  
7 license, a fee of two hundred dollars for each re-examination, a fee of  
8 one hundred sixty-five dollars for an initial license for persons not  
9 requiring admission to a department conducted examination, a fee of six  
10 hundred dollars for any biennial registration period commencing August  
11 first, nineteen hundred ninety-six and thereafter;

12 9. A physician shall not be required to pay any fee under this section  
13 if such physician certifies to the department that for the period of  
14 registration or licensure, such physician shall only practice medicine  
15 without compensation or the expectation or promise of compensation. The  
16 following shall not be considered compensation for the purposes of this  
17 subdivision: (a) nominal payment solely to enable the physician to be  
18 considered an employee of a health care provider; or (b) providing  
19 liability coverage to the physician relating to the services provided;  
20 and

21 10. No physician may be re-registered unless such physician, as part  
22 of the re-registration application, includes an attestation made under  
23 penalty of perjury, in a form prescribed by the commissioner, that such  
24 physician has, within the six months prior to submission of the re-re-  
25 gistration application, updated such physician's physician profile in  
26 accordance with subdivision four of section twenty-nine hundred ninety-  
27 five-a of this chapter.

1 § 3755. Limited permits. Permits limited as to eligibility, practice  
2 and duration, shall be issued by the department to eligible applicants,  
3 as follows:

4 1. Eligibility: The following persons shall be eligible for a limited  
5 permit:

6 (a) A person who fulfills all requirements for a license as a physi-  
7 cian except those relating to the examination and citizenship or perma-  
8 nent residence in the United States;

9 (b) A foreign physician who holds a standard certificate from the  
10 educational council for foreign medical graduates or who has passed an  
11 examination satisfactory to the department and in accordance with the  
12 commissioner's regulations; or

13 (c) A foreign physician or a foreign intern who is in this country on  
14 a non-immigration visa for the continuation of medical study, pursuant  
15 to the exchange student program of the United States department of  
16 state;

17 2. Limit of practice. A permittee shall be authorized to practice  
18 medicine only under the supervision of a licensed physician and only in  
19 a public, voluntary, or proprietary hospital;

20 3. Duration. A limited permit shall be valid for two years. It may be  
21 renewed biennially at the discretion of the department; and

22 4. Fees. The fee for each limited permit and for each renewal shall be  
23 one hundred five dollars.

24 § 3756. Exempt persons. The following persons under the following  
25 limitations may practice medicine within the state without a license:

26 1. Any physician who is employed as a resident in a public hospital,  
27 provided such practice is limited to such hospital and is under the  
28 supervision of a licensed physician;

1 2. Any physician who is licensed in a bordering state and who resides  
2 near a border of this state, provided such practice is limited in this  
3 state to the vicinity of such border and provided such physician does  
4 not maintain an office or place to meet patients or receive calls within  
5 this state;

6 3. Any physician who is licensed in another state or country and who  
7 is meeting a physician licensed in this state, for purposes of consulta-  
8 tion, provided such practice is limited to such consultation;

9 4. Any physician who is licensed in another state or country, who is  
10 visiting a medical school or teaching hospital in this state to receive  
11 medical instruction for a period not to exceed six months or to conduct  
12 medical instruction, provided such practice is limited to such instruc-  
13 tion and is under the supervision of a licensed physician;

14 5. Any physician who is authorized by a foreign government to practice  
15 in relation to its diplomatic, consular or maritime staffs, provided  
16 such practice is limited to such staffs;

17 6. Any commissioned medical officer who is serving in the United  
18 States armed forces or public health services or any physician who is  
19 employed in the United States Veterans Administration, provided such  
20 practice is limited to such service or employment;

21 7. Any intern who is employed by a hospital and who is a graduate of a  
22 medical school in the United States or Canada, provided such practice is  
23 limited to such hospital and is under the supervision of a licensed  
24 physician;

25 8. Any medical student who is performing a clinical clerkship or simi-  
26 lar function in a hospital and who is matriculated in a medical school  
27 which meets standards satisfactory to the department, provided such

1 practice is limited to such clerkship or similar function in such hospi-  
2 tal;

3 9. Any dentist or dental school graduate eligible for licensure in the  
4 state who administers anesthesia as part of a hospital residency program  
5 established for the purpose of training dentists in anesthesiology; and

6 10. (a) Any physician who is licensed and in good standing in another  
7 state or territory, and who has a written agreement to provide medical  
8 services to athletes and team personnel of a United States sports team  
9 recognized by the United States Olympic committee or an out-of-state  
10 secondary school, institution of postsecondary education, or profes-  
11 sional athletic organization sports team, may provide medical services  
12 to such athletes and team personnel at a discrete sanctioned team sport-  
13 ing event in this state as defined by the commissioner in regulations,  
14 provided such services are provided only to such athletes and team  
15 personnel at the discrete sanctioned team sporting event. Any such  
16 medical services shall be provided only five days before through three  
17 days after each discrete sanctioned team sporting event; and

18 (b) Any person practicing as a physician in New York state pursuant to  
19 this subdivision shall be subject to the personal and subject matter  
20 jurisdiction and disciplinary and regulatory authority of the department  
21 and the state board for professional medical conduct established pursu-  
22 ant to section two hundred thirty of this chapter as if such physician  
23 is a licensee and as if the exemption pursuant to this subdivision is a  
24 license. Such individual shall comply with applicable provisions of this  
25 chapter, the state board for professional medical conduct established  
26 pursuant to section two hundred thirty of this chapter, title eight of  
27 the education law, and the regulations of the commissioner, relating to

1 professional misconduct, disciplinary proceedings and penalties for  
2 professional misconduct.

3 § 3757. Special provisions. 1. A not-for-profit medical or dental  
4 expense indemnity corporation or a hospital service corporation organ-  
5 ized under the insurance law may employ licensed physicians and enter  
6 into contracts with partnerships or medical corporations organized under  
7 article forty-four of this chapter, health maintenance organizations  
8 possessing a certificate of authority pursuant to article forty-four of  
9 this chapter, professional corporations organized under article fifteen  
10 of the business corporation law or other groups of physicians to prac-  
11 tice medicine on its behalf for persons insured under its contracts or  
12 policies;

13 2. Notwithstanding any inconsistent provision of any general, special  
14 or local law, any licensed physician who voluntarily and without the  
15 expectation of monetary compensation renders first aid or emergency  
16 treatment at the scene of an accident or other emergency, outside a  
17 hospital, doctor's office or any other place having proper and necessary  
18 medical equipment, to a person who is unconscious, ill or injured, shall  
19 not be liable for damages for injuries alleged to have been sustained by  
20 such person or for damages for the death of such person alleged to have  
21 occurred by reason of an act or omission in the rendering of such first  
22 aid or emergency treatment unless it is established that such injuries  
23 were or such death was caused by gross negligence on the part of such  
24 physician. Nothing in this subdivision shall be deemed or construed to  
25 relieve a licensed physician from liability for damages for injuries or  
26 death caused by an act or omission on the part of a physician while  
27 rendering professional services in the normal and ordinary course of  
28 their practice;



1 3. No individual who serves as a member of (a) a committee established  
2 to administer a utilization review plan of a hospital, including a  
3 hospital as defined in article twenty-eight of this chapter or a hospi-  
4 tal as defined in subdivision ten of section 1.03 of the mental hygiene  
5 law, or (b) a committee having the responsibility of the investigation  
6 of an incident reported pursuant to section 29.29 of the mental hygiene  
7 law or the evaluation and improvement of the quality of care rendered in  
8 a hospital as defined in article twenty-eight of this chapter or a  
9 hospital as defined in subdivision ten of section 1.03 of the mental  
10 hygiene law, or (c) any medical review committee or subcommittee thereof  
11 of a local, county or state medical, dental, podiatry or optometrical  
12 society, any such society itself, a professional standards review organ-  
13 ization or an individual when such committee, subcommittee, society,  
14 organization or individual is performing any medical or quality assur-  
15 ance review function including the investigation of an incident reported  
16 pursuant to section 29.29 of the mental hygiene law, either described in  
17 paragraphs (a) and (b) of this subdivision, required by law, or involv-  
18 ing any controversy or dispute between (i) a physician, dentist, podia-  
19 trist or optometrist or hospital administrator and a patient concerning  
20 the diagnosis, treatment or care of such patient or the fees or charges  
21 therefor, or (ii) a physician, dentist, podiatrist or optometrist or  
22 hospital administrator and a provider of medical, dental, podiatric or  
23 optometrical services concerning any medical or health charges or fees  
24 of such physician, dentist, podiatrist or optometrist, or (d) a commit-  
25 tee appointed pursuant to section twenty-eight hundred five-j of this  
26 chapter to participate in the medical and dental malpractice prevention  
27 program, or (e) any individual who participated in the preparation of  
28 incident reports required by the department pursuant to section twenty-

1 eight hundred five-1 of this chapter, or (f) a committee established to  
2 administer a utilization review plan, or a committee having the respon-  
3 sibility of evaluation and improvement of the quality of care rendered,  
4 in a health maintenance organization organized under article forty-four  
5 of this chapter or article forty-three of the insurance law, including a  
6 committee of an individual practice association or medical group acting  
7 pursuant to a contract with such a health maintenance organization,  
8 shall be liable in damages to any person for any action taken or recom-  
9 mendations made by them within the scope of their function in such  
10 capacity provided that (i) such individual has taken action or made  
11 recommendations within the scope of their function and without malice,  
12 and (ii) in the reasonable belief after reasonable investigation that  
13 the act or recommendation was warranted, based upon the facts disclosed;  
14 Neither the proceedings nor the records relating to performance of a  
15 medical or a quality assurance review function or participation in a  
16 medical and dental malpractice prevention program nor any report  
17 required by the department pursuant to section twenty-eight hundred  
18 five-1 of this chapter described herein, including the investigation of  
19 an incident reported pursuant to section 29.29 of the mental hygiene  
20 law, shall be subject to disclosure under article thirty-one of the  
21 civil practice law and rules except as hereinafter provided or as  
22 provided by any other provision of law. No person in attendance at a  
23 meeting when a medical or a quality assurance review or a medical and  
24 dental malpractice prevention program or an incident reporting function  
25 described herein was performed, including the investigation of an inci-  
26 dent reported pursuant to section 29.29 of the mental hygiene law, shall  
27 be required to testify as to what transpired thereat. The prohibition  
28 relating to discovery of testimony shall not apply to the statements

1 made by any person in attendance at such a meeting who is a party to an  
2 action or proceeding the subject matter of which was reviewed at such  
3 meeting;

4 4. This article shall not be construed to affect or prevent the  
5 following:

6 (a) The furnishing of medical assistance in an emergency;

7 (b) The practice of the religious tenets of any church;

8 (c) A physician from refusing to perform an act constituting the prac-  
9 tice of medicine to which such physician is conscientiously opposed by  
10 reason of religious training and belief;

11 (d) The organization of a medical corporation under article forty-four  
12 of this chapter, the organization of a university faculty practice  
13 corporation under section fourteen hundred twelve of the not-for-profit  
14 corporation law or the organization of a professional service corpo-  
15 ration under article fifteen of the business corporation law;

16 (e) The physician's use of whatever medical care, conventional or  
17 non-conventional, which effectively treats human disease, pain, injury,  
18 deformity or physical condition;

19 5. There shall be no monetary liability on the part of, and no cause  
20 of action for damages shall arise against, any person, partnership,  
21 corporation, firm, society, or other entity on account of the communi-  
22 cation of information in the possession of such person or entity, or on  
23 account of any recommendation or evaluation, regarding the qualifica-  
24 tions, fitness, or professional conduct or practices of a physician, to  
25 any governmental agency, medical or specialists society, a hospital as  
26 defined in article twenty-eight of this chapter, a hospital as defined  
27 in subdivision ten of section 1.03 of the mental hygiene law, or a  
28 health maintenance organization organized under article forty-four of

1 this chapter or article forty-three of the insurance law, including a  
2 committee of an individual practice association or medical group pursu-  
3 ant to a contract with a health maintenance organization. The foregoing  
4 shall not apply to information which is untrue and communicated with  
5 malicious intent;

6 6. A licensed physician may prescribe and order a non-patient specific  
7 regimen to a registered professional nurse, pursuant to regulations  
8 promulgated by the commissioner, and consistent with this chapter, for:

9 (a) administering immunizations;

10 (b) the emergency treatment of anaphylaxis;

11 (c) administering purified protein derivative (PPD) tests or other  
12 tests to detect or screen for tuberculosis infections;

13 (d) administering tests to determine the presence of the human immuno-  
14 deficiency virus;

15 (e) administering tests to determine the presence of the hepatitis C  
16 virus;

17 (f) the urgent or emergency treatment of opioid related overdose or  
18 suspected opioid related overdose;

19 (g) screening of persons at increased risk of syphilis, gonorrhea and  
20 chlamydia;

21 (h) administering tests to determine the presence of COVID-19 or its  
22 antibodies or influenza virus;

23 (i) administering electrocardiogram tests to detect signs and symptoms  
24 of acute coronary syndrome;

25 (j) administering point-of-care blood glucose tests to evaluate acute  
26 mental status changes in persons with suspected hypoglycemia;

27 (k) administering tests and intravenous lines to persons that meet  
28 severe sepsis and septic shock criteria; and

1 (1) administering tests to determine pregnancy;

2 7. A licensed physician may prescribe and order a patient specific  
3 order or non-patient-specific regimen to a licensed pharmacist, pursuant  
4 to regulations promulgated by the commissioner, and consistent with this  
5 chapter, for: (a) administering immunizations to prevent influenza to  
6 patients two years of age or older; and (b) administering immunizations  
7 to prevent pneumococcal, acute herpes zoster, hepatitis A, hepatitis B,  
8 human papillomavirus, measles, mumps, rubella, varicella, COVID-19,  
9 meningococcal, tetanus, diphtheria or pertussis disease and medications  
10 required for emergency treatment of anaphylaxis to patients eighteen  
11 years of age or older; and (c) administering other immunizations recom-  
12 mended by the advisory committee on immunization practices of the  
13 centers for disease control and prevention for patients eighteen years  
14 of age or older if the commissioner, in consultation with the commis-  
15 sioner of education, determines that an immunization: (i)(A) may be  
16 safely administered by a licensed pharmacist within their lawful scope  
17 of practice; and (B) is needed to prevent the transmission of a report-  
18 able communicable disease that is preventable in New York state; or (ii)  
19 is a recommended immunization for such patients who: (A) meet age  
20 requirements, (B) lack documentation of such immunization, (C) lack  
21 evidence of past infection, or (D) have an additional risk factor or  
22 another indication as recommended by the advisory committee on immuniza-  
23 tion practices of the centers for disease control and prevention. Noth-  
24 ing in this subdivision shall authorize unlicensed persons to administer  
25 immunizations, vaccines or other drugs;

26 8. A licensed physician may prescribe and order a patient specific  
27 order or non-patient specific order to a licensed pharmacist, pursuant  
28 to regulations promulgated by the commissioner of education in consulta-

1 tion with the commissioner, and consistent with this chapter and section  
2 sixty-eight hundred one of title eight of the education law, for  
3 dispensing up to a seven day starter pack of HIV post-exposure prophy-  
4 laxis for the purpose of preventing human immunodeficiency virus  
5 infection following a potential human immunodeficiency virus exposure;

6 9. Nothing in this article or article one hundred thirty of the educa-  
7 tion law shall prohibit the provision of psychotherapy as defined in  
8 subdivision two of section eighty-four hundred one of title eight of the  
9 education law to the extent permissible within the scope of practice of  
10 medicine, by any not-for-profit corporation or education corporation  
11 providing services within the state of New York and operating under a  
12 waiver pursuant to section sixty-five hundred three-a of title eight of  
13 the education law, provided that such entities offering psychotherapy  
14 services shall only provide such services through an individual appro-  
15 priately licensed or otherwise authorized to provide such services or a  
16 professional entity authorized by law to provide such services;

17 10.(a) Nothing in this article shall be construed to affect or prevent  
18 a person in training or trained and deemed qualified by a supervising  
19 licensed physician, to assist the licensed physician in the care of a  
20 patient for the purpose of instilling mydriatic or cycloplegic eye drops  
21 and anesthetic eye drops in conjunction with such dilating drops to the  
22 surface of the eye of a patient, provided that the person instilling  
23 such eye drops is:

24 (i) under the on-site supervision of a supervising licensed physician;  
25 (ii) at least eighteen years of age; and  
26 (iii) complies with standards issued by the department;

27 (b) The supervising licensed physician shall submit a form prescribed  
28 by the department detailing the identity of each person instilling

1 mydriatic or cycloplegic eye drops and anesthetic eye drops in conjunc-  
2 tion with such dilating drops to the surface of the eye of a patient,  
3 under their supervision, attesting to compliance with the above require-  
4 ments; and

5 (c) The supervising licensed physician's use of any such person pursu-  
6 ant to the terms of this subdivision shall be undertaken with profes-  
7 sional judgment in order to ensure the safety and well-being of the  
8 patient. Such use shall subject the licensed physician to the full  
9 disciplinary and regulatory authority of the office of professional  
10 medical conduct. The licensed physician must notify the patient or the  
11 patient's designated health care surrogate that the licensed physician  
12 may utilize the services of an individual to administer certain eye  
13 drops and must provide the patient or the patient's designated health  
14 care surrogate the opportunity to refuse the licensed physician's plan  
15 to utilize such person;

16 11. A licensed physician may prescribe and order a non-patient specif-  
17 ic regimen to a licensed pharmacist, for insulin and related supplies  
18 pursuant to section sixty-eight hundred one of title eight of the educa-  
19 tion law; and

20 12. A licensed physician may prescribe and order a non-patient specif-  
21 ic order to a pharmacist licensed and located in the state, pursuant to  
22 regulations promulgated by the commissioner, and consistent with section  
23 sixty-eight hundred one of title eight of the education law, for  
24 dispensing self-administered hormonal contraceptives as defined in  
25 section sixty-eight hundred two of title eight of the education law.

26 § 3758. Qualification of certain applicants for licensure. 1.  
27 Notwithstanding any other provisions of this article or any law to the  
28 contrary, an individual who at the time of the individual's enrollment

1 in a medical school outside the United States is a resident of the  
2 United States shall be eligible for licensure in this state if the indi-  
3 vidual has satisfied the requirements of subdivisions one, five, six,  
4 seven and eight of section thirty-seven hundred fifty-four of this chap-  
5 ter and:

6 (a) has studied medicine in a medical school located outside the  
7 United States which is recognized by the World Health Organization;

8 (b) has completed all of the formal requirements of the foreign  
9 medical school except internship and/or social service;

10 (c) has attained a score satisfactory to a medical school approved by  
11 the Liaison Committee on Medical Education on a qualifying examination  
12 acceptable to the state board for medicine, and has satisfactorily  
13 completed one academic year of supervised clinical training under the  
14 direction of such medical school;

15 (d) has completed the post-graduate hospital training required by the  
16 board of all applicants for licensure; and

17 (e) has passed the examination required by the board of all applicants  
18 for licensure;

19 2. Satisfaction of the requirements of paragraphs (a), (b) and (c) of  
20 subdivision one of this section shall be in lieu of the completion of  
21 any foreign internship and/or social services requirements, and no such  
22 requirements shall be a condition of licensure as a physician in this  
23 state;

24 3. Satisfaction of the requirements of paragraphs (a), (b) and (c) of  
25 subdivision one of this section shall be in lieu of certification by the  
26 Educational Council for Foreign Medical Graduates, and such certif-  
27 ication shall not be a condition of licensure as a physician in this



1 state for candidates who have completed the requirements of subdivision  
2 one of this section;

3 4. No hospital licensed by this state, or operated by the state or a  
4 political subdivision thereof, or which receives state financial assist-  
5 ance, directly or indirectly, shall require an individual who has satis-  
6 fied the requirements of paragraphs (a), (b) and (c) of subdivision one  
7 of this section, and who at the time of such individual's enrollment in  
8 a medical school outside the United States is a resident of the United  
9 States, to satisfy any further education or examination requirements  
10 prior to commencing an internship or residency; and

11 5. A document granted by a medical school outside the United States  
12 which is recognized by the World Health Organization issued after the  
13 completion of all the formal requirements of such foreign medical school  
14 except internship and/or social service shall, upon certification by the  
15 medical school in which such training was received of satisfactory  
16 completion by the person to whom such document was issued of the  
17 requirements listed in paragraph (c) of subdivision one of this section,  
18 be deemed the equivalent of a degree of doctor of medicine for purposes  
19 of licensure and practice as a physician in this state.

20 § 3759. Power of board of regents regarding certain physicians.  
21 Notwithstanding any provision of law to the contrary, the board of  
22 regents of the university of the state of New York is authorized, in its  
23 discretion, to confer the degree of doctor of medicine (M.D.) upon  
24 physicians who are licensed pursuant to section thirty-seven hundred  
25 fifty-four or thirty-seven hundred fifty-eight of this chapter. Each  
26 applicant shall pay a fee of three hundred dollars to the education  
27 department for the issuance of such degree.

1 § 3760. Commissioner; powers and duties. The commissioner shall have  
2 the following powers and duties:

3 1. to determine the qualifications for admission to the profession of  
4 physician and issue licenses to qualified applicants;

5 2. to promulgate regulations when, in the discretion of the commis-  
6 sioner, there is a need for uniform standards or procedures to address  
7 health care safety, quality, access, or other considerations deemed  
8 appropriate by the commissioner;

9 3. to promulgate regulations in connection with the department's  
10 duties with respect to professional business entities formed pursuant to  
11 article fifteen of the business corporation law, article twelve of the  
12 limited liability company law, and article eight-B of the partnership  
13 law to ensure that only qualified individuals are providing professional  
14 services;

15 4. to determine the desirability of and to establish rules for requir-  
16 ing continuing education of licensed physicians; and

17 5. to adopt such other rules and regulations as may be necessary or  
18 appropriate to carry out the purposes of this article.

19 § 6. Article 131-B of the education law is REPEALED.

20 § 7. Subdivisions 1, 2 and 4 of section 3700 of the public health law,  
21 as amended by chapter 48 of the laws of 2012, are amended to read as  
22 follows:

23 1. Physician assistant. The term "physician assistant" means a person  
24 who is licensed as a physician assistant pursuant to section [sixty-five  
25 hundred forty-one of the education law] thirty-seven hundred four of  
26 this article.

1 2. Physician. The term "physician" means a practitioner of medicine  
2 licensed to practice medicine pursuant to article [one hundred thirty-  
3 one of the education law] thirty-seven-B of this chapter.

4 4. Approved program. The term "approved program" means a program for  
5 the education of physician assistants which has been formally approved  
6 by the [education] department.

7 § 8. Section 3701 of the public health law, as amended by chapter 48  
8 of the laws of 2012, is amended to read as follows:

9 § 3701. Commissioner; powers and duties. The commissioner shall have  
10 the following powers and duties:

11 1. to determine the qualifications for admission to the profession of  
12 physician assistant and issue licenses to qualified applicants;

13 2. to promulgate regulations defining and restricting the duties  
14 [which may be assigned to] of physician assistants [by their supervising  
15 physician, the degree of supervision required and the manner in which  
16 such duties may be performed] consistent with section thirty-seven  
17 hundred two of this article;

18 [2.] 3. to conduct and support continuing studies respecting the  
19 nature and scope of the duties of physician assistants in order to  
20 promote their effective functioning as members of the health care team;

21 [3.] 4. to determine the desirability of and to establish rules for  
22 requiring continuing education of physician assistants;

23 [4. to furnish the education department with suggested criteria which  
24 may be used by the education department to help determine whether an  
25 applicant for licensure as a physician assistant possesses equivalent  
26 education and training, such as experience as a nurse or military corps-  
27 man, which may be accepted in lieu of all or part of an approved  
28 program;]

1 5. to adopt such other rules and regulations as may be necessary or  
2 appropriate to carry out the purposes of this article.

3 § 9. Section 3702 of the public health law, as amended by chapter 48  
4 of the laws of 2012, subdivision 1 as amended by chapter 520 of the laws  
5 of 2024, is amended to read as follows:

6 § 3702. Special provisions. 1. Emergency treatment. Notwithstanding  
7 any inconsistent provision of any general, special or local law, any  
8 physician assistant properly licensed in this state who voluntarily and  
9 without the expectation of monetary compensation renders first aid or  
10 emergency treatment at the scene of an accident or other emergency,  
11 outside a hospital, doctor's office or any other place having proper and  
12 necessary medical equipment, to a person who is unconscious, ill or  
13 injured, shall not be liable for damages for injuries alleged to have  
14 been sustained by such person or for damages for the death of such  
15 person alleged to have occurred by reason of an act or omission in the  
16 rendering of such first aid or emergency treatment unless it is estab-  
17 lished that such injuries were or such death was caused by gross negli-  
18 gence on the part of such physician assistant. Nothing in this section  
19 shall be deemed or construed to relieve a licensed physician assistant  
20 from liability for damages for injuries or death caused by an act or  
21 omission on the part of a physician assistant while rendering profes-  
22 sional services in the normal and ordinary course of their practice.

23 2. Performance of medical services. (a) A physician assistant may  
24 perform medical services only when under the supervision of a physician  
25 and only when such acts and duties as are assigned to such physician  
26 assistant are within the scope of practice of such supervising physician  
27 unless otherwise permitted in this section.

1 (b) A physician assistant may practice without the supervision of a  
2 physician under the following circumstances:

3 (i) Where the physician assistant, licensed under this article has  
4 practiced for more than eight thousand hours within the same or a  
5 substantially similar specialty that the physician assistant seeks to  
6 practice in without supervision; and

7 (A) is practicing in primary care. For purposes of this clause,  
8 "primary care" shall mean non-surgical care in the fields of general  
9 pediatrics, general adult medicine, general geriatric medicine, general  
10 internal medicine, obstetrics and gynecology, family medicine, or such  
11 other related areas as determined by the commissioner; or

12 (B) is employed by a health system or hospital established under arti-  
13 cle twenty-eight of this chapter, and the health system or hospital  
14 determines the physician assistant meets the qualifications of the  
15 medical staff bylaws and the health system or hospital gives the physi-  
16 cian assistant privileges; and

17 (ii) Where a physician assistant licensed under this article has  
18 completed a program approved by the department, in consultation with the  
19 education department, when such services are performed within the scope  
20 of such program.

21 (c) The department is authorized to promulgate and update regulations  
22 pursuant to this section.

23 (d) In the event that a physician assistant seeks to practice in a  
24 substantially different specialty, the physician assistant shall  
25 complete at least eight thousand hours of practice in such new specialty  
26 before such physician assistant may practice without physician super-  
27 vision pursuant to paragraph (b) of this subdivision.

1 (e) Where supervision is required by this section, it shall be contin-  
2 uous but shall not be construed as necessarily requiring the physical  
3 presence of the supervising physician at the time and place where such  
4 services are performed.

5 (f) Nothing in this subdivision shall prohibit a hospital from employ-  
6 ing physician assistants, provided that they meet the qualifications of  
7 the medical staff bylaws and are given privileges and otherwise meet the  
8 requirements of this section.

9 (g) Nothing in this article shall be construed to authorize physician  
10 assistants to perform those specific functions and duties specifically  
11 delegated by law to those persons licensed as allied health profes-  
12 sionals under this chapter or the education law.

13 3. A physician assistant shall be authorized to prescribe, dispense,  
14 order, administer, or procure items necessary to commence or complete a  
15 course of therapy.

16 4. A physician assistant may prescribe and order a patient specific  
17 order or non-patient specific regimen to a licensed pharmacist or regis-  
18 tered professional nurse, pursuant to regulations promulgated by the  
19 commissioner, and consistent with this chapter, for administering immun-  
20 izations. Nothing in this subdivision shall authorize unlicensed persons  
21 to administer immunizations, vaccines or other drugs.

22 5. A physician assistant may prescribe and order a non-patient specif-  
23 ic regimen to a registered professional nurse pursuant to regulations  
24 promulgated by the commissioner for:

25 (a) the emergency treatment of anaphylaxis.

26 (b) administering purified protein derived (PPD) tests or other tests  
27 to detect or screen for tuberculosis infections.

1 (c) administering tests to determine the presence of the human immuno-  
2 deficiency virus.

3 (d) administering tests to determine the presence of the hepatitis C  
4 virus.

5 (e) the urgent or emergency treatment of opioid related overdose or  
6 suspected opioid related overdose.

7 (f) screening of persons at increased risk of syphilis, gonorrhea, and  
8 chlamydia.

9 (g) administering electrocardiogram tests to detect signs and symptoms  
10 of acute coronary syndrome.

11 (h) administering point-of-care blood glucose tests to evaluate acute  
12 mental status changes in persons with suspected hypoglycemia.

13 (i) administering tests and intravenous lines to persons that meet  
14 severe sepsis and septic shock criteria.

15 (j) administering tests to determine pregnancy.

16 (k) administering tests to determine the presence of COVID-19 or its  
17 antibodies or influenza virus.

18 6. Inpatient medical orders. A licensed physician assistant employed  
19 or extended privileges by a hospital may, if permissible under the  
20 bylaws, rules and regulations of the hospital, write medical orders,  
21 including those for controlled substances and durable medical equipment,  
22 for inpatients [under the care of the physician responsible for the  
23 supervision of such physician assistant. Countersignature of such orders  
24 may be required if deemed necessary and appropriate by the supervising  
25 physician or the hospital, but in no event shall countersignature be  
26 required prior to execution].

27 [2.] 7. Withdrawing blood. A licensed physician assistant or certified  
28 nurse practitioner acting within [his or her] such physician assistant's

1 or certified nurse practitioner's lawful scope of practice may supervise  
2 and direct the withdrawal of blood for the purpose of determining the  
3 alcoholic or drug content therein under subparagraph one of paragraph  
4 (a) of subdivision four of section eleven hundred ninety-four of the  
5 vehicle and traffic law, notwithstanding any provision to the contrary  
6 in clause (ii) of such subparagraph.

7 [3.] 8. Prescriptions for controlled substances. A licensed physician  
8 assistant, in good faith and acting within [his or her] such physician  
9 assistant's lawful scope of practice, and to the extent assigned by [his  
10 or her] the supervising physician, as applicable pursuant to this  
11 section, may prescribe controlled substances as a practitioner under  
12 article thirty-three of this chapter, to patients under the care of such  
13 physician responsible for [his or her] such physician assistant's super-  
14 vision. The commissioner[, in consultation with the commissioner of  
15 education,] may promulgate such regulations as are necessary to carry  
16 out the purposes of this section.

17 § 10. Section 3703 of the public health law, as amended by chapter 48  
18 of the laws of 2012, is amended to read as follows:

19 § 3703. Statutory construction. A physician assistant may perform any  
20 function in conjunction with a medical service lawfully performed by the  
21 physician assistant, in any health care setting, that a statute author-  
22 izes or directs a physician to perform and that is appropriate to the  
23 education, training and experience of the licensed physician assistant  
24 and within the ordinary practice of the supervising physician, as appli-  
25 cable pursuant to section thirty-seven hundred two of this article. This  
26 section shall not be construed to increase or decrease the lawful scope  
27 of practice of a physician assistant under the education law.



1 § 11. The public health law is amended by adding three new sections  
2 3704, 3705 and 3706 to read as follows:

3 § 3704. Requirements for license. 1. To qualify for a license as a  
4 physician assistant, each person shall pay a fee of one hundred fifteen  
5 dollars to the department for admission to a department conducted exam-  
6 ination, a fee of forty-five dollars for each reexamination and a fee of  
7 seventy dollars for persons not requiring admission to a department  
8 conducted examination and shall also submit satisfactory evidence, veri-  
9 fied by oath or affirmation, that such person:

10 (a) at the time of application is at least twenty-one years of age;

11 (b) is of good moral character;

12 (c) has received an education including a bachelor's or equivalent  
13 degree in accordance with the commissioner's regulations;

14 (d) has satisfactorily completed an approved program for the training  
15 of physician assistants. The approved program for the training of physi-  
16 cian assistants shall include not less than forty weeks of supervised  
17 clinical training and thirty-two credit hours of classroom work. Appli-  
18 cants for a license as a physician assistant who have completed an  
19 approved program leading to a bachelor's degree or equivalent in physi-  
20 cian assistant studies shall be deemed to have satisfied this paragraph.  
21 The commissioner is empowered to determine whether an applicant  
22 possesses equivalent education and training, such as experience as a  
23 nurse or military medic, which may be accepted in lieu of all or part of  
24 an approved program; and

25 (e) in the case of an applicant for a license as a physician assist-  
26 ant, has obtained a passing score on an examination acceptable to the  
27 department.

1     2. The department shall furnish to each person applying for a license  
2 pursuant to this section an application form calling for such informa-  
3 tion as the department deems necessary and shall issue to each applicant  
4 who satisfies the requirements of subdivision one of this section a  
5 license as a physician assistant in a particular medical specialty for  
6 the period expiring December thirty-first of the first odd-numbered year  
7 terminating subsequent to the issuance of such license.

8     3. Every licensee shall apply to the department for a renewal of such  
9 licensee's license. The department shall mail to every licensed physi-  
10 cian assistant an application form for renewal, addressed to the  
11 licensee's post office address on file with the department. Upon receipt  
12 of such application properly executed, together with evidence of satis-  
13 factory completion of such continuing education requirements as may be  
14 established by the commissioner, the department shall issue a renewal.  
15 Renewal periods shall be triennial and the renewal fee shall be forty-  
16 five dollars.

17     § 3705. Use of title. Only a person licensed as a physician assistant  
18 by the department may use the title "physician assistant" or the letters  
19 "P.A." after such person's name.

20     § 3706. Limited permits. Permits limited as to eligibility, practice  
21 and duration, shall be issued by the department to eligible applicants,  
22 as follows:

23     1. Eligibility. A person who fulfills all requirements to be licensed  
24 as a physician assistant except that relating to the examination shall  
25 be eligible for a limited permit.

26     2. Limit of practice. A permittee shall be authorized to practice as a  
27 physician assistant only under the direct supervision of a physician.

1 3. Duration. A limited permit shall expire one year from the date of  
2 issuance or upon notice to the permittee by the department that the  
3 application for a license has been denied. A limited permit shall be  
4 extended upon application for one year, provided that the permittee's  
5 request for such extension is endorsed by a physician who either has  
6 supervised or will supervise the permittee, except that such extension  
7 may be denied by the department for cause which shall be stated in writ-  
8 ing. If the permittee is awaiting the results of a licensing examination  
9 at the time such limited permit expires, such permit shall continue to  
10 be valid until ten days after notification to the permittee of the  
11 result of such examination.

12 4. Fees. The fee for each limited permit shall be one hundred five  
13 dollars.

14 § 12. Paragraph a of subdivision 2 of section 902 of the education  
15 law, as amended by chapter 376 of the laws of 2015, is amended to read  
16 as follows:

17 a. The board of education, and the trustee or board of trustees of  
18 each school district, shall employ, at a compensation to be agreed upon  
19 by the parties, a qualified physician, a physician assistant, or a nurse  
20 practitioner to the extent authorized by the nurse practice act and  
21 consistent with subdivision three of section six thousand nine hundred  
22 two of this chapter, to perform the duties of the director of school  
23 health services, including any duties conferred on the school physician  
24 or school medical inspector under any provision of law, to perform and  
25 coordinate the provision of health services in the public schools and to  
26 provide health appraisals of students attending the public schools in  
27 the city or district. The physicians, physician assistants, or nurse

1 practitioners so employed shall be duly licensed pursuant to applicable  
2 law.

3 § 13. Subdivision 27 of section 3302 of the public health law, as  
4 amended by chapter 92 of the laws of 2021, is amended to read as  
5 follows:

6 27. "Practitioner" means:

7 A physician, physician assistant, dentist, podiatrist, veterinarian,  
8 scientific investigator, or other person licensed, or otherwise permit-  
9 ted to dispense, administer or conduct research with respect to a  
10 controlled substance in the course of a licensed professional practice  
11 or research licensed pursuant to this article. Such person shall be  
12 deemed a "practitioner" only as to such substances, or conduct relating  
13 to such substances, as is permitted by [his] their license, permit or  
14 otherwise permitted by law.

15 § 14. Article 131-C of the education law is REPEALED.

16 § 15. Subdivisions 1, 2 and 4 of section 3710 of the public health  
17 law, as added by chapter 48 of the laws of 2012, are amended to read as  
18 follows:

19 1. Specialist assistant. The term "specialist assistant" means a  
20 person who is registered pursuant to section [sixty-five hundred forty-  
21 eight of the education law] thirty-seven hundred twelve of this article  
22 as a specialist assistant for a particular medical [speciality] special-  
23 ty as defined by regulations promulgated by the commissioner pursuant to  
24 section thirty-seven hundred eleven of this article.

25 2. Physician. The term "physician" means a practitioner of medicine  
26 licensed to practice medicine pursuant to article [one hundred thirty-  
27 one of the education law] thirty-seven-B of this chapter.

1 4. Approved program. The term "approved program" means a program for  
2 the education of specialist assistants which has been formally approved  
3 by the [education] department.

4 § 16. Section 3711 of the public health law, as added by chapter 48 of  
5 the laws of 2012, is amended to read as follows:

6 § 3711. Commissioner; powers and duties. The commissioner shall have  
7 the following powers and duties:

8 1. to determine the qualifications for registration of specialist  
9 assistant and issue certificates to qualified applicants.

10 2. to promulgate regulations defining and restricting the duties which  
11 may be assigned to specialist assistants, the degree of supervision  
12 required and the manner in which such duties may be performed;

13 [2.] 3. to promulgate regulations establishing such different medical  
14 specialties for which specialist assistants may be registered [by the  
15 education department pursuant to section sixty-five hundred forty-eight  
16 of the education law as will] to most effectively increase the quality  
17 of medical care available in this state; provided, however, that no  
18 category of specialist assistant shall be established: (a) for areas in  
19 which allied health professions are licensed pursuant to the education  
20 law or this chapter; or (b) relating to the practice of surgery or prac-  
21 tice in the intensive care unit of any general hospital, as defined  
22 pursuant to article twenty-eight of this chapter[.];

23 [3.] 4. to conduct and support continuing studies respecting the  
24 nature and scope of the duties of specialist assistants in order to  
25 promote their effective functioning as members of the health care team;

26 [4.] 5. to determine the desirability of and to establish rules for  
27 requiring continuing education of specialist assistants;

1 [5. to furnish the education department with suggested criteria which  
2 may be used by the education department to help determine the education  
3 and training requirements for a specialist assistant;]

4 6. to adopt such other rules and regulations as may be necessary or  
5 appropriate to carry out the purposes of this article.

6 § 17. The public health law is amended by adding three new sections  
7 3712, 3713 and 3714 to read as follows:

8 § 3712. Registration. 1. To qualify for registration as a specialist  
9 assistant, each person shall pay a fee of one hundred fifteen dollars to  
10 the department for admission to a department conducted examination, a  
11 fee of forty-five dollars for each reexamination and a fee of seventy  
12 dollars for persons not requiring admission to a department conducted  
13 examination and shall also submit satisfactory evidence, verified by  
14 oath or affirmation, that such person:

15 (a) at the time of application is at least twenty-one years of age;

16 (b) is of good moral character;

17 (c) has successfully completed a four-year course of study in a  
18 secondary school approved by the board of regents or has passed an  
19 equivalency test; and

20 (d) has satisfactorily completed an approved program for the training  
21 of specialist assistants.

22 2. The department shall furnish to each person applying for registra-  
23 tion hereunder an application form calling for such information as the  
24 department deems necessary and shall issue to each applicant who satis-  
25 fies the requirements of subdivision one of this section a certificate  
26 of registration as specialist assistant in a particular medical special-  
27 ty for the period expiring December thirty-first of the first odd-num-  
28 bered year terminating subsequent to registration.

1 3. Every registrant shall apply to the department for a certificate of  
2 registration. The department shall mail to every registered specialist  
3 assistant an application form for registration, addressed to the regis-  
4 trant's post office address on file with the department. Upon receipt of  
5 such application properly executed, together with evidence of satisfac-  
6 tory completion of such continuing education requirements as may be  
7 established by the department, the department shall issue a certificate  
8 of registration. Registration periods shall be triennial and the regis-  
9 tration fee shall be forty-five dollars.

10 § 3713. Performance of medical services. 1. A specialist assistant may  
11 perform medical services, but only when under the supervision of a  
12 physician and only when such acts and duties as are assigned to them are  
13 related to the designated medical specialty for which they are regis-  
14 tered and are within the scope of practice of their supervising physi-  
15 cian.

16 2. Supervision shall be continuous but shall not be construed as  
17 necessarily requiring the physical presence of the supervising physician  
18 at the time and place where such services are performed.

19 3. No physician shall employ or supervise more than two specialist  
20 assistants in their private practice.

21 4. Nothing in this article shall prohibit a hospital from employing  
22 specialist assistants provided they work under the supervision of a  
23 physician designated by the hospital and not beyond the scope of prac-  
24 tice of such physician. The numerical limitation of subdivision three of  
25 this section shall not apply to services performed in a hospital.

26 5. Notwithstanding any other provision of this article, nothing shall  
27 prohibit a physician employed by or rendering services to the department  
28 of correctional services under contract from supervising no more than

1 four specialist assistants in their practice for the department of  
2 corrections and community supervision.

3 6. Notwithstanding any other provision of law, a trainee in an  
4 approved program may perform medical services when such services are  
5 performed within the scope of such program.

6 7. Nothing in this article shall be construed to authorize specialist  
7 assistants to perform those specific functions and duties specifically  
8 delegated by law to those persons licensed as allied health profes-  
9 sionals under this chapter or the education law.

10 § 3714. Use of title. Only a person registered as a specialist assist-  
11 ant by the department may use the title "registered specialist assist-  
12 ant" or the letters "R.S.A." after such person's name.

13 § 18. Paragraph (a) of section 1501 of the business corporation law,  
14 as amended by chapter 9 of the laws of 2013, is amended to read as  
15 follows:

16 (a) "licensing authority" means the regents of the university of the  
17 state of New York or the state education department, as the case may be,  
18 in the case of all professions licensed under title eight of the educa-  
19 tion law, [and] the appropriate appellate division of the supreme court  
20 in the case of the profession of law, and the department of health in  
21 the case of the practice of medicine.

22 § 19. Paragraph (d) of section 1503 of the business corporation law,  
23 as amended by chapter 550 of the laws of 2011, is amended to read as  
24 follows:

25 (d) A professional service corporation, including a design profes-  
26 sional service corporation, other than a corporation authorized to prac-  
27 tice law, shall be under the supervision of the regents of the universi-  
28 ty of the state of New York and be subject to disciplinary proceedings



1 and penalties, and its certificate of incorporation shall be subject to  
2 suspension, revocation or annulment for cause, in the same manner and to  
3 the same extent as is provided with respect to individuals and their  
4 licenses, certificates, and registrations in title eight of the educa-  
5 tion law relating to the applicable profession. Notwithstanding the  
6 provisions of this paragraph, a professional service corporation author-  
7 ized to practice medicine shall be [subject to the prehearing procedures  
8 and hearing procedures as is provided with respect to individual physi-  
9 cians and their licenses] under the supervision of the department of  
10 health and be subject to disciplinary proceedings and penalties, and its  
11 certificate of incorporation shall be subject to suspension, revocation  
12 or annulment for cause, in the same manner and to the same extent as is  
13 provided with respect to individuals and their licenses, certificates,  
14 and registrations in title II-A of article two of the public health law.

15 § 20. Section 1515 of the business corporation law, as added by chap-  
16 ter 974 of the laws of 1970, is amended to read as follows:

17 § 1515. Regulation of professions.

18 This article shall not repeal, modify or restrict any provision of the  
19 education law, the public health law, or the judiciary law regulating  
20 the professions referred to therein except to the extent in conflict  
21 herewith.

22 § 21. Paragraph (a) of section 1525 of the business corporation law,  
23 as added by chapter 505 of the laws of 1983, is amended to read as  
24 follows:

25 (a) "Licensing authority" means the regents of the university of the  
26 state of New York or the state education department, as the case may be,  
27 in the case of all professions licensed under title eight of the educa-  
28 tion law, and the appropriate appellate division of the supreme court in

1 the case of the profession of law. The department of health shall be  
2 responsible for certifying that each shareholder, officer and director  
3 of a foreign professional service corporation providing health services  
4 is licensed to practice said profession in this state and, solely for  
5 purposes of this article, any reference to "licensing authority" in this  
6 article in connection with such corporations shall refer to the depart-  
7 ment of health.

8 § 22. Paragraph (c) of section 1530 of the business corporation law,  
9 as added by chapter 505 of the laws of 1983, is amended to read as  
10 follows:

11 (c) The fee for filing the application for authority shall be two  
12 hundred dollars, payable to the department of state, and the fee for a  
13 certificate of authority issued by the state education department or the  
14 department of health shall be fifty dollars.

15 § 23. Paragraphs (a) and (b) of section 1532 of the business corpo-  
16 ration law, as added by chapter 505 of the laws of 1983, are amended to  
17 read as follows:

18 (a) This article shall not repeal, modify or restrict any provision of  
19 the education law, the public health law, or the judiciary law or any  
20 rules or regulations adopted thereunder regulating the professions  
21 referred to therein except to the extent in conflict herewith.

22 (b) A foreign professional service corporation, other than a foreign  
23 professional service corporation authorized to practice law, shall be  
24 under the supervision of the regents of the university of the state of  
25 New York and be subject to disciplinary proceedings and penalties, and  
26 its authority to do business shall be subject to suspension, revocation  
27 or annulment for cause, in the same manner and to the same extent as is  
28 provided with respect to individuals and their licenses, certificates,

1 and registrations in title eight of the education law relating to the  
2 applicable profession. Notwithstanding the provisions of this subdivi-  
3 sion, a foreign professional service corporation authorized to practice  
4 medicine shall be [subject to the prehearing procedures and hearing  
5 procedures as is provided with respect to individual physicians and  
6 their licenses] under the supervision of the department of health and be  
7 subject to disciplinary proceedings and penalties, and its certificate  
8 of incorporation shall be subject to suspension, revocation or annulment  
9 for cause, in the same manner and to the same extent as is provided with  
10 respect to individuals and their licenses, certificates, and registra-  
11 tions in Title II-A of article two of the public health law.

12 § 24. Subdivision (a) of section 1201 of the limited liability company  
13 law is amended to read as follows:

14 (a) "Licensing authority" means the regents of the university of the  
15 state of New York or the state education department, as the case may be,  
16 in the case of all professions licensed under title eight of the educa-  
17 tion law, [and] the appropriate appellate division of the supreme court  
18 in the case of the profession of law, and the department of health in  
19 the case of the practice of medicine.

20 § 25. Subdivision (d) of section 1203 of the limited liability company  
21 law is amended to read as follows:

22 (d) A professional service limited liability company, other than a  
23 professional service limited liability company authorized to practice  
24 law, shall be under the supervision of the regents of the university of  
25 the state of New York and be subject to disciplinary proceedings and  
26 penalties, and its articles of organization shall be subject to suspen-  
27 sion, revocation or annulment for cause, in the same manner and to the  
28 same extent as is provided with respect to individuals and their

1 licenses, certificates and registrations in title eight of the education  
2 law relating to the applicable profession. Notwithstanding the  
3 provisions of this subdivision, a professional service limited liability  
4 company authorized to practice medicine shall be [subject to the pre-  
5 hearing procedures and hearing procedures as are] under the supervision  
6 of the department of health and be subject to disciplinary proceedings  
7 and penalties, and its articles of organization shall be subject to  
8 suspension, revocation, or annulment for cause, in the same manner and  
9 to the same extent as is provided with respect to individual physicians  
10 and their licenses in Title II-A of article two of the public health  
11 law.

12 § 26. Section 1215 of the limited liability company law is amended to  
13 read as follows:

14 § 1215. Regulation of professions. This article shall not repeal,  
15 modify or restrict any provision of the education law, the public health  
16 law, or the judiciary law or any rules or regulations adopted thereunder  
17 regulating the professions referred to in the education law, the public  
18 health law, or the judiciary law except to the extent in conflict here-  
19 with.

20 § 27. Subdivision (b) of section 1301 of the limited liability company  
21 law is amended to read as follows:

22 (b) "Licensing authority" means the regents of the university of the  
23 state of New York or the state education department, as the case may be,  
24 in the case of all professions licensed under title eight of the educa-  
25 tion law, and the appropriate appellate division of the supreme court in  
26 the case of the profession of law. The department of health shall be  
27 responsible for certifying that each member and manager of a foreign  
28 professional service limited liability company providing health services

1 is licensed to practice said profession in this state and any reference  
2 to "licensing authority" in this article in connection with such compa-  
3 nies shall refer to the department of health.

4 § 28. Subdivision (c) of section 1306 of the limited liability company  
5 law is amended to read as follows:

6 (c) The fee for filing the application for authority shall be two  
7 hundred dollars, payable to the department of state, and the fee for a  
8 certificate of authority issued by the state education department or the  
9 department of health shall be fifty dollars.

10 § 29. Subdivisions (a) and (b) of section 1308 of the limited liabil-  
11 ity company law are amended to read as follows:

12 (a) This article shall not repeal, modify or restrict any provision of  
13 the education law, the public health law, or the judiciary law or any  
14 rules or regulations adopted thereunder regulating the professions  
15 referred to in the education law, the public health law, or the judici-  
16 ary law except to the extent in conflict herewith.

17 (b) A foreign professional service limited liability company, other  
18 than a foreign professional service limited liability company authorized  
19 to practice law, shall be under the supervision of the regents of the  
20 university of the state of New York and be subject to disciplinary  
21 proceedings and penalties, and its authority to do business shall be  
22 subject to suspension, revocation or annulment for cause, in the same  
23 manner and to the same extent as is provided with respect to individuals  
24 and their licenses, certificates and registrations in title eight of the  
25 education law relating to the applicable profession. Notwithstanding  
26 the provisions of this subdivision, a foreign professional service  
27 limited liability company authorized to practice medicine shall be  
28 [subject to the pre-hearing procedures and hearing procedures as are

1 provided with respect to individual physicians and their licenses] under  
2 the supervision of the department of health and be subject to discipli-  
3 nary proceedings and penalties, and its authority to do business shall  
4 be subject to suspension, revocation or annulment for cause, in the same  
5 manner and to the same extent as is provided with respect to individuals  
6 and their licenses, certificates and registrations in Title II-A of  
7 article two of the public health law.

8 § 30. The tenth, fourteenth and sixteenth undesignated paragraphs of  
9 section 2 of the partnership law, the tenth and sixteenth undesignated  
10 paragraphs as added by chapter 576 of the laws of 1994, and the four-  
11 teenth undesignated paragraph as amended by chapter 475 of the laws of  
12 2014, are amended to read as follows:

13 "Licensing authority" means the regents of the university of the state  
14 of New York or the state education department, as the case may be, in  
15 the case of all professions licensed under title eight of the education  
16 law, [and] the appropriate appellate division of the supreme court in  
17 the case of the profession of law, and the department of health in the  
18 case of the practice of medicine.

19 "Professional partnership" means (1) a partnership without limited  
20 partners each of whose partners is a professional authorized by law to  
21 render a professional service within this state, (2) a partnership with-  
22 out limited partners each of whose partners is a professional, at least  
23 one of whom is authorized by law to render a professional service within  
24 this state or (3) a partnership without limited partners authorized by,  
25 or holding a license, certificate, registration or permit issued by the  
26 licensing authority [pursuant to the education law] to render a profes-  
27 sional service within this state; except that all partners of a profes-  
28 sional partnership that provides medical services in this state must be

1 licensed pursuant to [article 131 of the education law] article 37-B of  
2 the public health law to practice medicine in this state and all part-  
3 ners of a professional partnership that provides dental services in this  
4 state must be licensed pursuant to article 133 of the education law to  
5 practice dentistry in this state; and further except that all partners  
6 of a professional partnership that provides professional engineering,  
7 land surveying, geologic, architectural and/or landscape architectural  
8 services in this state must be licensed pursuant to article 145, article  
9 147 and/or article 148 of the education law to practice one or more of  
10 such professions in this state.

11 "Professional service corporation" means (i) a corporation organized  
12 under article fifteen of the business corporation law and (ii) any other  
13 corporation organized under the business corporation law or any prede-  
14 cessor statute, which is authorized by, or holds a license, certificate,  
15 registration or permit issued by, the licensing authority [pursuant to  
16 the education law] to render professional services within this state.

17 § 31. Subdivisions (m) and (o) of section 121-1500 of the partnership  
18 law, as added by chapter 576 of the laws of 1994, are amended to read as  
19 follows:

20 (m) A registered limited liability partnership, other than a regis-  
21 tered limited liability partnership authorized to practice law, shall be  
22 under the supervision of the regents of the university of the state of  
23 New York and be subject to disciplinary proceedings and penalties in the  
24 same manner and to the same extent as is provided with respect to indi-  
25 viduals and their licenses, certificates and registrations in title  
26 eight of the education law relating to the applicable profession.  
27 Notwithstanding the provisions of this subdivision, a registered limited  
28 liability partnership authorized to practice medicine shall be [subject

1 to the pre-hearing procedures and hearing procedures as are] under the  
2 supervision of the department of health and be subject to disciplinary  
3 proceedings and penalties in the same manner and to the same extent as  
4 is provided with respect to individual physicians and their licenses in  
5 title two-A of article two of the public health law. In addition to  
6 rendering the professional service or services the partners are author-  
7 ized to practice in this state, a registered limited liability partner-  
8 ship may carry on, or conduct or transact any other business or activ-  
9 ities as to which a partnership without limited partners may be formed.  
10 Notwithstanding any other provision of this section, a registered limit-  
11 ed liability partnership (i) authorized to practice law may only engage  
12 in another profession or business or activities or (ii) which is engaged  
13 in a profession or other business or activities other than law may only  
14 engage in the practice of law, to the extent not prohibited by any other  
15 law of this state or any rule adopted by the appropriate appellate divi-  
16 sion of the supreme court or the court of appeals. Any registered limit-  
17 ed liability partnership may invest its funds in real estate, mortgages,  
18 stocks, bonds or any other types of investments.

19 (o) This section shall not repeal, modify or restrict any provision of  
20 the education law, the public health law, or the judiciary law or any  
21 rules or regulations adopted thereunder regulating the professions  
22 referred to in the education law, the public health law, or the judici-  
23 ary law except to the extent in conflict herewith.

24 § 32. Subdivisions (n) and (p) of section 121-1502 of the partnership  
25 law, as added by chapter 576 of the laws of 1994, are amended to read as  
26 follows:

27 (n) A foreign limited liability partnership, other than a foreign  
28 limited liability partnership authorized to practice law, shall be under



1 the supervision of the regents of the university of the state of New  
2 York and be subject to disciplinary proceedings and penalties in the  
3 same manner and to the same extent as is provided with respect to indi-  
4 viduals and their licenses, certificates and registrations in title  
5 eight of the education law relating to the applicable profession.  
6 Notwithstanding the provisions of this subdivision, a foreign limited  
7 liability partnership authorized to practice medicine shall be [subject  
8 to the pre-hearing procedures and hearing procedures as are] under the  
9 supervision of the department of health and be subject to disciplinary  
10 proceedings and penalties in the same manner and to the same extent as  
11 is provided with respect to individual physicians and their licenses in  
12 title two-A of article two of the public health law. No foreign limited  
13 liability partnership shall engage in any profession or carry on, or  
14 conduct or transact any other business or activities in this state other  
15 than the rendering of the professional services or the carrying on, or  
16 conducting or transacting of any other business or activities for which  
17 it is formed and is authorized to do business in this state; provided  
18 that such foreign limited liability partnership may invest its funds in  
19 real estate, mortgages, stocks, bonds or any other type of investments;  
20 provided, further, that a foreign limited liability partnership (i)  
21 authorized to practice law may only engage in another profession or  
22 other business or activities in this state or (ii) which is engaged in a  
23 profession or other business or activities other than law may only  
24 engage in the practice of law in this state, to the extent not prohibit-  
25 ed by any other law of this state or any rule adopted by the appropriate  
26 appellate division of the supreme court or the court of appeals.

27 (p) This section shall not repeal, modify or restrict any provision of  
28 the education law, the public health law, or the judiciary law or any

1 rules or regulations adopted thereunder regulating the professions  
2 referred to in the education law, the public health law, or the judici-  
3 ary law except to the extent in conflict herewith.

4 § 33. Subdivision 3-a of section 6502 of the education law, as amended  
5 by chapter 599 of the laws of 1996, is amended to read as follows:

6 3-a. Prior to issuing any registration pursuant to this section and  
7 section [sixty-five hundred twenty-four of this chapter] thirty-seven  
8 hundred fifty-four of the public health law, the department shall  
9 request and review any information relating to an applicant which  
10 reasonably appears to relate to professional misconduct in [his or her]  
11 their professional practice in this and any other jurisdiction. The  
12 department shall advise the director of the office of professional  
13 medical conduct in the department of health of any information about an  
14 applicant which reasonably appears to be professional misconduct as  
15 defined in sections [sixty-five hundred thirty and sixty-five hundred  
16 thirty-one of this chapter] two hundred thirty-e, two hundred thirty-f  
17 and two hundred thirty-g of the public health law, within seven days of  
18 its discovery. The registration or re-registration of such applicant  
19 shall not be delayed for a period exceeding thirty days unless the  
20 director finds a basis for recommending summary action pursuant to  
21 subdivision twelve of section two hundred thirty of the public health  
22 law after consultation with a committee on professional conduct of the  
23 state board for professional medical conduct, if warranted. Re-registra-  
24 tion shall be issued if the commissioner of health fails to issue a  
25 summary order pursuant to subdivision twelve of section two hundred  
26 thirty of the public health law within ninety days of notice by the  
27 department pursuant to this subdivision. Re-registration shall be denied

1 if the commissioner of health issues a summary order pursuant to subdi-  
2 vision twelve of section two hundred thirty of the public health law.

3 § 34. Section 6505-d of the education law, as amended by chapter 101  
4 of the laws of 2024, is amended to read as follows:

5 § 6505-d. Evaluation of prior disciplinary history for authorization  
6 to practice. An applicant seeking licensure, certification, or authori-  
7 zation pursuant to this title who has been subject to disciplinary  
8 action by a duly authorized professional disciplinary agency of another  
9 jurisdiction solely on the basis of having performed, recommended, or  
10 provided an abortion pursuant to section twenty-five hundred ninety-  
11 nine-bb of the public health law, or gender-affirming care, as defined  
12 in paragraph (c) of subdivision one of section [sixty-five hundred thir-  
13 ty-one-b of the education law] two hundred thirty-h of the public health  
14 law, shall not be denied such licensure, certification, or authori-  
15 zation, unless the department determines that such action would have  
16 constituted professional misconduct in this state. Provided however,  
17 that nothing in this section shall be construed as prohibiting the  
18 department from evaluating the conduct of such applicant and making a  
19 determination to be licensed, certified, or authorized to practice a  
20 profession under this title.

21 § 35. Subdivisions 1 and 9 of section 6506 of the education law, as  
22 amended by chapter 606 of the laws of 1991, are amended to read as  
23 follows:

24 (1) Promulgate rules, except that no rule shall be promulgated  
25 concerning [article 131-A of this chapter] the definitions of profes-  
26 sional misconduct applicable to physicians, physician's assistants and  
27 specialist's assistants;

1 (9) Establish by rule, standards of conduct with respect to advertis-  
2 ing, fee splitting, practicing under a name other than that of the indi-  
3 vidual licensee (when not specifically authorized), proper use of  
4 academic or professional degrees or titles tending to imply professional  
5 status, and such other ethical practices as such board shall deem neces-  
6 sary, except that no rule shall be established concerning [article 131-A  
7 of this chapter] the definitions of professional misconduct applicable  
8 to physicians, physician's assistants and specialist's assistants; and

9 § 36. Paragraph a of subdivision 2 of section 6507 of the education  
10 law, as amended by chapter 606 of the laws of 1991, is amended to read  
11 as follows:

12 a. Promulgate regulations, except that no regulations shall be promul-  
13 gated concerning [article 131-A of this chapter] the definitions of  
14 professional misconduct applicable to physicians, physician's assistants  
15 and specialist's assistants;

16 § 37. Subdivision 1 of section 6514 of the education law, as amended  
17 by chapter 606 of the laws of 1991, is amended to read as follows:

18 1. All alleged violations of sections sixty-five hundred twelve or  
19 sixty-five hundred thirteen of this article shall be reported to the  
20 department which shall cause an investigation to be instituted. All  
21 alleged violations of section [sixty-five hundred thirty-one of the  
22 education law] two hundred thirty-e of the public health law shall be  
23 reported to the department of health which shall cause an investigation  
24 to be instituted. If the investigation substantiates that violations  
25 exist, such violations shall be reported to the attorney general with a  
26 request for prosecution.

27 § 38. Subdivisions 1, 9-b, 9-c, subparagraph (i-a) of paragraph (a) of  
28 subdivision 10, item 2 of clause (d) of subparagraph (ii) of paragraph

1 (h) of subdivision 10, paragraph (p) of subdivision 10, paragraph (a) of  
2 subdivision 11, subdivision 13, and paragraph (c) of subdivision 17 of  
3 section 230 of the public health law, subdivision 1 as amended by chap-  
4 ter 537 of the laws of 1998, subdivision 9-b as amended by chapter 11 of  
5 the laws of 2015, subdivision 9-c as amended by chapter 143 of the laws  
6 of 2023, paragraph (a) of subdivision 9-c as amended by chapter 101 of  
7 the laws of 2024, subparagraph (i-a) of paragraph (a) of subdivision 10  
8 as added by chapter 220 of the laws of 2022, item 2 of clause (d) of  
9 subparagraph (ii) of paragraph (h) of subdivision 10 as amended by chap-  
10 ter 477 of the laws of 2008, paragraph (p) of subdivision 10 as amended  
11 by chapter 599 and paragraph (a) of subdivision 11 as amended by chapter  
12 627 of the laws of 1996, and subdivision 13 as added and paragraph (c)  
13 of subdivision 17 as amended by chapter 606 of the laws of 1991, are  
14 amended to read as follows:

15 1. A state board for professional medical conduct is hereby created in  
16 the department in matters of professional misconduct as defined in  
17 [sections sixty-five hundred thirty and sixty-five hundred thirty-one of  
18 the education law] this title. Its physician members shall be appointed  
19 by the commissioner at least eighty-five percent of whom shall be from  
20 among nominations submitted by the medical society of the state of New  
21 York, the New York state osteopathic society, the New York academy of  
22 medicine, county medical societies, statewide specialty societies recog-  
23 nized by the council of medical specialty societies, and the hospital  
24 association of New York state. Its lay members shall be appointed by the  
25 commissioner with the approval of the governor. The board of regents  
26 shall also appoint twenty percent of the members of the board. Not less  
27 than sixty-seven percent of the members appointed by the board of  
28 regents shall be physicians. Not less than eighty-five percent of the

1 physician members appointed by the board of regents shall be from among  
2 nominations submitted by the medical society of the state of New York,  
3 the New York state osteopathic society, the New York academy of medi-  
4 cine, county medical societies, statewide medical societies recognized  
5 by the council of medical specialty societies, and the hospital associ-  
6 ation of New York state. Any failure to meet the percentage thresholds  
7 stated in this subdivision shall not be grounds for invalidating any  
8 action by or on authority of the board for professional medical conduct  
9 or a committee or a member thereof. The board for professional medical  
10 conduct shall consist of not fewer than eighteen physicians licensed in  
11 the state for at least five years, two of whom shall be doctors of  
12 osteopathy, not fewer than two of whom shall be physicians who dedicate  
13 a significant portion of their practice to the use of non-conventional  
14 medical treatments who may be nominated by New York state medical asso-  
15 ciations dedicated to the advancement of such treatments, at least one  
16 of whom shall have expertise in palliative care, and not fewer than  
17 seven lay members. An executive secretary shall be appointed by the  
18 chairperson and shall be a licensed physician. Such executive secretary  
19 shall not be a member of the board, shall hold office at the pleasure  
20 of, and shall have the powers and duties assigned and the annual salary  
21 fixed by, the chairperson. The chairperson shall also assign such secre-  
22 taries or other persons to the board as are necessary.

23 9-b. Neither the board for professional medical conduct nor the office  
24 of professional medical conduct shall charge a licensee with misconduct  
25 as defined in [sections sixty-five hundred thirty and sixty-five hundred  
26 thirty-one of the education law] this title, or cause a report made to  
27 the director of such office to be investigated beyond a preliminary  
28 review as set forth in clause (A) of subparagraph (i) of paragraph (a)

1 of subdivision ten of this section, where such report is determined to  
2 be based solely upon the recommendation or provision of a treatment  
3 modality to a particular patient by such licensee that is not  
4 universally accepted by the medical profession, including but not limit-  
5 ed to, varying modalities used in the treatment of Lyme disease and  
6 other tick-borne diseases. When a licensee, acting in accordance with  
7 [paragraph e of subdivision four of] section [sixty-five hundred twen-  
8 ty-seven of the education law] thirty-seven hundred fifty-one of this  
9 chapter, recommends or provides a treatment modality that effectively  
10 treats human disease, pain, injury, deformity or physical condition for  
11 which the licensee is treating a patient, the recommendation or  
12 provision of that modality to a particular patient shall not, by itself,  
13 constitute professional misconduct. The licensee shall otherwise abide  
14 by all other applicable professional requirements.

15 9-c. (a) Neither the board for professional medical conduct nor the  
16 office of professional medical conduct shall charge a licensee, acting  
17 within their scope of practice, with misconduct as defined in [sections  
18 sixty-five hundred thirty and sixty-five hundred thirty-one of the  
19 education law] this title, or cause a report made to the director of  
20 such office to be investigated beyond a preliminary review as set forth  
21 in clause (A) of subparagraph (i) of paragraph (a) of subdivision ten of  
22 this section, where such report is determined to be based solely upon  
23 the performance, recommendation, or provision of any reproductive health  
24 services as defined in [section sixty-five hundred thirty-one-b of the  
25 education law] paragraph (a) of subdivision one of section two hundred  
26 thirty-h of this title, or gender-affirming care, as defined in para-  
27 graph (c) of subdivision one of section [sixty-five hundred thirty-one-b  
28 of the education law] two hundred thirty-h of this title, for a partic-

1 ular patient by such licensee where such patient resides in a state  
2 wherein the performance, recommendation or provision of such reproduc-  
3 tive health services or gender-affirming care is illegal.

4 (b) When a licensee, acting within their scope of practice, and in  
5 accordance with [paragraph e of subdivision four of] section [sixty-five  
6 hundred twenty-seven of the education law] thirty-seven hundred fifty-  
7 one of this chapter, performs, recommends or provides any reproductive  
8 health services or gender-affirming care for a patient who resides in a  
9 state wherein the performance, recommendation, or provision of any such  
10 reproductive health services or gender-affirming care is illegal, such  
11 performance, recommendation, or provision of such reproductive health  
12 services or gender-affirming care for such patient, shall not, by  
13 itself, constitute professional misconduct. The licensee shall otherwise  
14 abide by all other applicable professional requirements.

15 (i-a) The director shall, in addition to the determination required by  
16 clause (A) of subparagraph (i) of this paragraph, determine if a report  
17 is based solely upon conduct which is otherwise permissible pursuant to  
18 section [sixty-five hundred thirty-one-b of the education law] two  
19 hundred thirty-h of this title and subdivision nine-c of this section,  
20 and upon a determination by the director that a report is based solely  
21 upon such permissible conduct, no further review shall be conducted and  
22 no charges shall be brought. Nothing in this section shall preclude the  
23 director from making such a determination earlier in, or subsequent to,  
24 a preliminary review.

25 (2) make arrangements for the transfer and maintenance of the medical  
26 records of [his or her] their former patients. Records shall be either  
27 transferred to the licensee's former patients consistent with the  
28 provisions of sections seventeen and eighteen of this chapter or to



1 another physician or health care practitioner as provided in clause (1)  
2 of this subparagraph who shall expressly assume responsibility for their  
3 care and maintenance and for providing access to such records, as  
4 provided in subdivisions twenty-two and thirty-two of [section sixty-  
5 five hundred thirty of the education law] section two hundred thirty-e  
6 of this title, the rules of the board of regents or the regulations of  
7 the commissioner of education and sections seventeen and eighteen of  
8 this chapter. When records are not transferred to the licensee's former  
9 patients or to another physician or health care practitioner, the licen-  
10 see whose license has been revoked, annulled, surrendered, suspended or  
11 restricted shall remain responsible for the care and maintenance of the  
12 medical records of [his or her] their former patients and shall be  
13 subject to additional proceedings pursuant to subdivisions twenty-two,  
14 thirty-two and forty of section [sixty-five hundred thirty of the educa-  
15 tion law] two hundred thirty-e of this title in the event that the  
16 licensee fails to maintain those medical records or fails to make them  
17 available to a former patient.

18 (p) Convictions of crimes or administrative violations. In cases of  
19 professional misconduct based solely upon a violation of subdivision  
20 nine of section [sixty-five hundred thirty of the education law] two  
21 hundred thirty-e of this title, the director may direct that charges be  
22 prepared and served and may refer the matter to a committee on profes-  
23 sional conduct for its review and report of findings, conclusions as to  
24 guilt, and determination. In such cases, the notice of hearing shall  
25 state that the licensee shall file a written answer to each of the  
26 charges and allegations in the statement of charges no later than ten  
27 days prior to the hearing, and that any charge or allegation not so  
28 answered shall be deemed admitted, that the licensee may wish to seek

1 the advice of counsel prior to filing such answer that the licensee may  
2 file a brief and affidavits with the committee on professional conduct,  
3 that the licensee may appear personally before the committee on profes-  
4 sional conduct, may be represented by counsel and may present evidence  
5 or sworn testimony in [his or her] their behalf, and the notice may  
6 contain such other information as may be considered appropriate by the  
7 director. The department may also present evidence or sworn testimony  
8 and file a brief at the hearing. A stenographic record of the hearing  
9 shall be made. Such evidence or sworn testimony offered to the committee  
10 on professional conduct shall be strictly limited to evidence and testi-  
11 mony relating to the nature and severity of the penalty to be imposed  
12 upon the licensee. Where the charges are based on the conviction of  
13 state law crimes in other jurisdictions, evidence may be offered to the  
14 committee which would show that the conviction would not be a crime in  
15 New York state. The committee on professional conduct may reasonably  
16 limit the number of witnesses whose testimony will be received and the  
17 length of time any witness will be permitted to testify. The determi-  
18 nation of the committee shall be served upon the licensee and the  
19 department in accordance with the provisions of paragraph (h) of this  
20 subdivision. A determination pursuant to this subdivision may be  
21 reviewed by the administrative review board for professional medical  
22 conduct.

23 (a) The medical society of the state of New York, the New York state  
24 osteopathic society or any district osteopathic society, any statewide  
25 medical specialty society or organization, and every county medical  
26 society, every person licensed pursuant to articles [one hundred thir-  
27 ty-one, one hundred thirty-one-B,] one hundred thirty-three, one hundred  
28 thirty-seven and one hundred thirty-nine of the education law or arti-

1 cles thirty-seven or thirty-seven-B of this chapter, and the chief execu-  
2 tive officer, the chief of the medical staff and the chairperson of  
3 each department of every institution which is established pursuant to  
4 article twenty-eight of this chapter and a comprehensive health services  
5 plan pursuant to article forty-four of this chapter or article forty-  
6 three of the insurance law, shall, and any other person may, report to  
7 the board any information which such person, medical society, organiza-  
8 tion, institution or plan has which reasonably appears to show that a  
9 licensee is guilty of professional misconduct as defined in [sections  
10 sixty-five hundred thirty and sixty-five hundred thirty-one of the  
11 education law] this title. Such reports shall remain confidential and  
12 shall not be admitted into evidence in any administrative or judicial  
13 proceeding except that the board, its staff, or the members of its  
14 committees may begin investigations on the basis of such reports and may  
15 use them to develop further information.

16 13. (a) Temporary surrender. The license and registration of a licen-  
17 see who may be temporarily incapacitated for the active practice of  
18 medicine and whose alleged incapacity has not resulted in harm to a  
19 patient may be voluntarily surrendered to the board for professional  
20 medical conduct, which may accept and hold such license during the peri-  
21 od of such alleged incapacity or the board for professional medical  
22 conduct may accept the surrender of such license after agreement to  
23 conditions to be met prior to the restoration of the license. The board  
24 shall give prompt written notification of such surrender to the division  
25 of professional licensing services of the state education department,  
26 and to each hospital at which the licensee has privileges. The licensee  
27 whose license is so surrendered shall notify all patients and all  
28 persons who request medical services that the licensee has temporarily

1 withdrawn from the practice of medicine. The licensure status of each  
2 such licensee shall be "inactive" and the licensee shall not be author-  
3 ized to practice medicine. The temporary surrender shall not be deemed  
4 to be an admission of disability or of professional misconduct, and  
5 shall not be used as evidence of a violation of subdivision seven or  
6 eight of section [sixty-five hundred thirty of the education law] two  
7 hundred thirty-e of this title unless the licensee practices while the  
8 license is "inactive". Any such practice shall constitute a violation of  
9 subdivision twelve of section [sixty-five hundred thirty of the educa-  
10 tion law] two hundred thirty-e of this title. The surrender of a license  
11 under this subdivision shall not bar any disciplinary action except  
12 action based solely upon the provisions of subdivision seven or eight of  
13 section [sixty-five hundred thirty of the education law] two hundred  
14 thirty-e of this title and where no harm to a patient has resulted, and  
15 shall not bar any civil or criminal action or proceeding which might be  
16 brought without regard to such surrender. A surrendered license shall be  
17 restored upon a showing to the satisfaction of a committee of profes-  
18 sional conduct of the state board for professional medical conduct that  
19 the licensee is not incapacitated for the active practice of medicine  
20 provided, however, that the committee may impose reasonable conditions  
21 on the licensee, if it determined that due to the nature and extent of  
22 the licensee's former incapacity such conditions are necessary to  
23 protect the health of the people. The chairperson of the committee shall  
24 issue a restoration order adopting the decision of the committee. Prompt  
25 written notification of such restoration shall be given to the division  
26 of professional licensing services of the state education department and  
27 to all hospitals which were notified of the surrender of the license.

1 (b) Permanent surrender. The license and registration of a licensee  
2 who may be permanently incapacitated for the active practice of medi-  
3 cine, and whose alleged incapacity has not resulted in harm to a  
4 patient, may be voluntarily surrendered to the board for professional  
5 medical conduct. The board shall give prompt written notification of  
6 such surrender to the division of professional licensing services of the  
7 state education department, and to each hospital at which the licensee  
8 has privileges. The licensee whose license is so surrendered shall noti-  
9 fy all patients and all persons who request medical services that the  
10 licensee has permanently withdrawn from the practice of medicine. The  
11 permanent surrender shall not be deemed to be an admission of disability  
12 [of] or professional misconduct, and shall not be used as evidence of a  
13 violation of subdivision seven or eight of section [sixty-five hundred  
14 thirty of the education law] two hundred thirty-e of this title. The  
15 surrender shall not bar any civil or criminal action or proceeding which  
16 might be brought without regard to such surrender. There shall be no  
17 restoration of a license that has been surrendered pursuant to this  
18 subdivision.

19 (c) If the committee determines that reasonable cause exists as speci-  
20 fied in paragraph (a) of this subdivision and that there is insufficient  
21 evidence for the matter to constitute misconduct as defined in sections  
22 [sixty-five hundred thirty and section sixty-five hundred thirty-one of  
23 the education law] two hundred thirty-e, two hundred thirty-f and two  
24 hundred thirty-g of this title, the committee may issue an order direct-  
25 ing that the licensee's practice of medicine be monitored for a period  
26 specified in the order, which shall in no event exceed one year, by a  
27 licensee approved by the director, which may include members of county  
28 medical societies or district osteopathic societies designated by the

1 commissioner. The licensee responsible for monitoring the licensee shall  
2 submit regular reports to the director. If the licensee refuses to coop-  
3 erate with the licensee responsible for monitoring or if the monitoring  
4 licensee submits a report that the licensee is not practicing medicine  
5 with reasonable skill and safety to [his or her] their patients, the  
6 committee may refer the matter to the director for further proceedings  
7 pursuant to subdivision ten of this section. An order pursuant to this  
8 paragraph shall be kept confidential and shall not be subject to discov-  
9 ery or subpoena, unless the licensee refuses to comply with the order.

10 § 39. The opening paragraph of section 230-a of the public health law,  
11 as added by chapter 606 of the laws of 1991, is amended to read as  
12 follows:

13 The penalties which may be imposed by the state board for professional  
14 medical conduct on a present or former licensee found guilty of profes-  
15 sional misconduct under the definitions and proceedings prescribed in  
16 [section] sections two hundred thirty, two hundred thirty-e and two  
17 hundred thirty-f of this title [and sections sixty-five hundred thirty  
18 and sixty-five hundred thirty-one of the education law] are:

19 § 40. Section 230-a of the public health law, as added by chapter 786  
20 of the laws of 1992, is amended to read as follows:

21 § 230-a. Infection control standards. Notwithstanding any law to the  
22 contrary, [including section sixty-five hundred thirty-two of the educa-  
23 tion law,] the department shall promulgate rules or regulations describ-  
24 ing scientifically accepted barrier precautions and infection control  
25 practices as standards of professional medical conduct for persons  
26 licensed under articles one hundred thirty-one and [one hundred thirty-  
27 one-B of the education law] thirty-seven and thirty-seven-B of this  
28 chapter. The department shall consult with the education department to

1 ensure that regulatory standards for scientifically acceptable barrier  
2 precautions and infection prevention techniques promulgated pursuant to  
3 this section are consistent, as far as appropriate with such standards  
4 adopted by the education department applicable to persons licensed under  
5 the education law [other than articles one hundred thirty-one and one  
6 hundred thirty-one-B of such law].

7 § 41. Paragraph (b) of subdivision 1 of section 2803-e of the public  
8 health law, as amended by chapter 542 of the laws of 2000, is amended to  
9 read as follows:

10 (b) Hospitals and other facilities approved pursuant to this article  
11 shall make a report or cause a report to be made within thirty days of  
12 obtaining knowledge of any information which reasonably appears to show  
13 that a physician is guilty of professional misconduct as defined in  
14 [section sixty-five hundred thirty or sixty-five hundred thirty-one of  
15 the education law] sections two hundred thirty-e, two hundred thirty-f  
16 and two hundred thirty-g of this chapter. A violation of this paragraph  
17 shall not be subject to the provisions of section twelve-b of this chap-  
18 ter.

19 § 42. Subdivisions 4 and 7 of section 2995-a of the public health law,  
20 subdivision 4 as amended by section 3 of part A of chapter 57 of the  
21 laws of 2015, and subdivision 7 as added by chapter 542 of the laws of  
22 2000, are amended to read as follows:

23 4. Each physician shall periodically report to the department on forms  
24 and in the time and manner required by the commissioner any other infor-  
25 mation as is required by the department for the development of profiles  
26 under this section which is not otherwise reasonably obtainable. In  
27 addition to such periodic reports and providing the same information,  
28 each physician shall update [his or her] their profile information with-

1 in the six months prior to the expiration date of such physician's  
2 registration period, as a condition of registration renewal under arti-  
3 cle [one hundred thirty-one of the education law] thirty-seven-B of this  
4 chapter. Except for optional information provided, physicians shall  
5 notify the department of any change in the profile information within  
6 thirty days of such change.

7 7. A physician who knowingly provides materially inaccurate informa-  
8 tion under this section shall be guilty of professional misconduct  
9 pursuant to section [sixty-five hundred thirty of the education law] two  
10 hundred thirty-e of this chapter.

11 § 42-a. Subdivision 4 of section 2995-a of the public health law, as  
12 amended by chapter 572 of the laws of 2024, is amended to read as  
13 follows:

14 4. Each physician shall periodically report to the department on forms  
15 and in the time and manner required by the commissioner any other infor-  
16 mation as is required by the department for the development of profiles  
17 under this section which is not otherwise reasonably obtainable. In  
18 addition to such periodic reports and providing the same information,  
19 each physician shall update [his or her] their profile information with-  
20 in the six months prior to the submission of the re-registration appli-  
21 cation, as a condition of registration renewal under article [one  
22 hundred thirty-one of the education law] thirty-seven-B of this chapter.  
23 Except for optional information provided, physicians shall notify the  
24 department of any change in the profile information within thirty days  
25 of such change.

26 § 43. Section 2997-1 of the public health law, as added by section 20  
27 of part A of chapter 60 of the laws of 2014, is amended to read as  
28 follows:



1 § 2997-1. Activities. The activities enumerated in section twenty-nine  
2 hundred ninety-seven-k of this title shall be undertaken consistent with  
3 section twenty-eight hundred five-j of this chapter by a covered health  
4 care provider and shall be deemed activities of such program as  
5 described in such section and any and all information attributable to  
6 such activities shall be subject to provisions of section twenty-eight  
7 hundred five-m of this chapter and section [sixty-five hundred twenty-  
8 seven of the education law] thirty-seven hundred fifty-one of this chap-  
9 ter.

10 § 44. Subdivisions 2 and 3 of section 2999-r of the public health law,  
11 as amended by chapter 461 of the laws of 2012, are amended to read as  
12 follows:

13 2. With respect to the planning, implementation, and operation of  
14 ACOs, the commissioner, by regulation, shall specifically delineate safe  
15 harbors that exempt ACOs from the application of the following statutes:

16 (a) article twenty-two of the general business law relating to  
17 arrangements and agreements in restraint of trade;

18 (b) [article one hundred thirty-one-A of the education law] title  
19 two-A of article two of this chapter relating to fee-splitting arrange-  
20 ments; and

21 (c) title two-D of article two of this chapter relating to health care  
22 practitioner referrals.

23 3. For the purposes of this article, an ACO shall be deemed to be a  
24 hospital for purposes of sections twenty-eight hundred five-j, twenty-  
25 eight hundred five-k, twenty-eight hundred five-l and twenty-eight  
26 hundred five-m of this chapter and subdivisions three and five of  
27 section [sixty-five hundred twenty-seven of the education law] thirty-  
28 seven hundred fifty-one of this chapter.

1 § 45. Paragraph (d) of subdivision 2 of section 2999-u of the public  
2 health law, as amended by chapter 90 of the laws of 2023, is amended to  
3 read as follows:

4 (d) A PACE organization shall be deemed to be a health maintenance  
5 organization under article forty-four of this chapter for purposes of  
6 subdivision one of section [sixty-five hundred twenty-seven of the  
7 education law] thirty-seven hundred fifty-one of this chapter.

8 § 46. Paragraph (b) of subdivision 1-a of section 3515 of the public  
9 health law, as added by chapter 536 of the laws of 2011, is amended to  
10 read as follows:

11 (b) Paragraph (a) of this subdivision shall be inapplicable to  
12 specialist's assistants registered pursuant to law on the effective date  
13 of this subdivision; but such specialist's assistants shall continue to  
14 be subject to all of the provisions of section [sixty-five hundred thir-  
15 ty of the education law] two hundred thirty-e of this chapter.

16 § 47. Subdivision 3-b of section 140.10 of the criminal procedure law,  
17 as amended by chapter 101 of the laws of 2024, is amended to read as  
18 follows:

19 3-b. A police officer may not arrest any person for performing or  
20 aiding in the performance of gender-affirming care, as defined in para-  
21 graph (c) of subdivision one of section [sixty-five hundred thirty-one-b  
22 of the education law] two hundred thirty-h of the public health law,  
23 within this state, or in procuring or aiding in the procurement of  
24 gender-affirming care in this state, if the gender-affirming care is  
25 performed in accordance with the provisions of any other applicable law  
26 of this state.

27 § 48. Section 570.19 of the criminal procedure law, as amended by  
28 chapter 101 of the laws of 2024, is amended to read as follows:

1 § 570.19 Extradition of gender-affirming care providers, seekers,  
2 parents, guardians, and helpers.

3 No demand for the extradition of a person subject to criminal liabil-  
4 ity that is in whole or part based on the alleged provision or receipt  
5 of, support for, or any theory of vicarious, joint, several or conspira-  
6 cy liability for gender-affirming care, as defined in paragraph (c) of  
7 subdivision one of section [sixty-five hundred thirty-one-b of the  
8 education law] two hundred thirty-h of the public health law, lawfully  
9 performed in New York shall be recognized by the governor unless the  
10 executive authority of the demanding state shall allege in writing that  
11 the accused was present in the demanding state at the time of the  
12 commission of the alleged offense, and that thereafter [he, she or] they  
13 fled from that state.

14 § 49. Subdivision (e) of section 3102 of the civil practice law and  
15 rules, as separately amended by chapter 138 of the laws of 2023 and  
16 chapter 101 of the laws of 2024, is amended to read as follows:

17 (e) Action pending in another jurisdiction. Except as provided in  
18 section three thousand one hundred nineteen of this article, when under  
19 any mandate, writ or commission issued out of any court of record in any  
20 other state, territory, district or foreign jurisdiction, or whenever  
21 upon notice or agreement, it is required to take the testimony of a  
22 witness in the state, [he or she] such witness may be compelled to  
23 appear and testify in the same manner and by the same process as may be  
24 employed for the purpose of taking testimony in actions pending in the  
25 state. The supreme court or a county court shall make any appropriate  
26 order in aid of taking such a deposition; provided that no order may be  
27 issued under this section in connection with an out-of-state proceeding  
28 relating to any legally protected health activity, as defined in para-

1 graph (b) of subdivision one of section 570.17 of the criminal procedure  
2 law or gender-affirming care, as defined in paragraph (c) of subdivision  
3 one of section [sixty-five hundred thirty-one-b of the education law]  
4 two hundred thirty-h of the public health law, which occurred in this  
5 state, unless such out-of-state proceeding (1) sounds in tort or  
6 contract, (2) is actionable, in an equivalent or similar manner, under  
7 the laws of this state, and (3) was brought by the patient who received  
8 reproductive health services or gender-affirming care, or the patient's  
9 legal representative.

10 § 50. Subdivision (h) of section 3119 of the civil practice law and  
11 rules, as amended by chapter 101 of the laws of 2024, is amended to read  
12 as follows:

13 (h) Subpoenas related to gender-affirming care. Notwithstanding any  
14 other provisions of law, no court or county clerk shall issue a subpoena  
15 under this section in connection with an out-of-state proceeding relat-  
16 ing to any gender-affirming care, as defined in paragraph (c) of subdi-  
17 vision one of section [sixty-five hundred thirty-one-b of the education  
18 law] two hundred thirty-h of the public health law, which was legally  
19 performed, sought, received, or supported in this state, unless such  
20 out-of-state proceeding (1) sounds in tort or contract, or is based on  
21 statute, (2) is actionable, in an equivalent or similar manner, under  
22 the laws of this state, and (3) was brought by the patient who received  
23 the gender-affirming care, or the patient's legal representative.

24 § 51. Section 837-x of the executive law, as amended by chapter 101 of  
25 the laws of 2024, is amended to read as follows:

26 § 837-x. Cooperation with certain out-of-state investigations. No  
27 state or local law enforcement agency shall cooperate with or provide  
28 information to any individual or out-of-state agency or department

1 regarding the provision, seeking, or assistance in provision or seeking  
2 of lawful gender-affirming care, as defined in paragraph (c) of subdivi-  
3 sion one of section [sixty-five hundred thirty-one-b of the education  
4 law] two hundred thirty-h of the public health law, performed in this  
5 state. Nothing in this section shall prohibit the investigation of any  
6 criminal activity in this state which may involve the performance of  
7 gender-affirming care provided that no information relating to any  
8 medical procedure performed on a specific individual may be shared with  
9 an out-of-state agency or any other individual.

10 § 52. Subdivision 3 of section 659 of the family court act, as added  
11 by chapter 101 of the laws of 2024, is amended to read as follows:

12 3. For purposes of this section, "gender-affirming care" shall have  
13 the same meaning as defined in paragraph (c) of subdivision one of  
14 section [sixty-five hundred thirty-one-b of the education law] two  
15 hundred thirty-h of the public health law.

16 § 53. Subsection (a) of section 3436-a of the insurance law, as sepa-  
17 rately amended by chapter 138 of the laws of 2023 and chapter 101 of the  
18 laws of 2024, is amended to read as follows:

19 (a) Every insurer that issues or renews medical malpractice insurance  
20 covering a health care provider licensed to practice in this state shall  
21 be prohibited from taking any adverse action against a health care  
22 provider solely on the basis that the health care provider engages in  
23 legally protected health activity, as defined in paragraph (b) of subdi-  
24 vision one of section 570.17 of the criminal procedure law, or gender-  
25 affirming care, as defined in paragraph (c) of subdivision one of  
26 section [sixty-five hundred thirty-one-b of the education law] two  
27 hundred thirty-h of the public health law, that is legal in this state  
28 with someone who is from out of the state. The superintendent is

1 expressly authorized to interpret "legally protected health activity" as  
2 if such definition was stated within this section. Such policy shall  
3 include health care providers who prescribe abortion medication to out-  
4 of-state patients by means of telehealth.

5 § 54. Subdivision 2 of section 490 of the social services law, as  
6 added by section 1 of part B of chapter 501 of the laws of 2012, is  
7 amended to read as follows:

8 2. Notwithstanding any other provision of law, except as may be  
9 provided by section 33.25 of the mental hygiene law, records, reports or  
10 other information maintained by the justice center, state oversight  
11 agencies, delegate investigatory entities, and facilities and provider  
12 agencies regarding the deliberations of an incident review committee  
13 shall be confidential, provided that nothing in this article shall be  
14 deemed to diminish or otherwise derogate the legal privilege afforded to  
15 proceedings, records, reports or other information relating to a quality  
16 assurance function, including the investigation of an incident reported  
17 pursuant to section 29.29 of the mental hygiene law, as provided in  
18 section [sixty-five hundred twenty-seven of the education law] thirty-  
19 seven hundred fifty-one of the public health law. For purposes of this  
20 section, a quality assurance function is a process for systematically  
21 monitoring and evaluating various aspects of a program, service or  
22 facility to ensure that standards of care are being met.

23 § 55. Paragraph a of subdivision 1 of section 6508 of the education  
24 law, as amended by chapter 866 of the laws of 1980, is amended to read  
25 as follows:

26 a. The membership of the professional licensing boards created under  
27 sections [sixty-five hundred twenty-three,] sixty-eight hundred four,  
28 sixty-nine hundred three, [and] seventy-four hundred three of this chap-

1 ter and section thirty-seven hundred fifty-three of the public health  
2 law shall be increased by two members, and each such board shall have at  
3 least two public representatives, who shall be selected by the board of  
4 regents from the general public.

5 § 56. Paragraph (a) of subdivision 2 of section 259-s of the executive  
6 law, as amended by chapter 322 of the laws of 2021, is amended to read  
7 as follows:

8 (a) The commissioner, on the commissioner's own initiative or at the  
9 request of an incarcerated individual, or an incarcerated individual's  
10 spouse, relative or attorney, may, in the exercise of the commissioner's  
11 discretion, direct that an investigation be undertaken to determine  
12 whether a diagnosis should be made of an incarcerated individual who  
13 appears to be suffering from a significant and permanent non-terminal  
14 and incapacitating condition, disease or syndrome. Any such medical  
15 diagnosis shall be made by a physician licensed to practice medicine in  
16 this state pursuant to section [sixty-five] thirty-seven hundred [twen-  
17 ty-four] fifty-four of the [education] public health law. Such physician  
18 shall either be employed by the department, shall render professional  
19 services at the request of the department, or shall be employed by a  
20 hospital or medical facility used by the department for the medical  
21 treatment of incarcerated individuals. The diagnosis shall be reported  
22 to the commissioner and shall include but shall not be limited to a  
23 description of the condition, disease or syndrome suffered by the incar-  
24 cerated individual, a prognosis concerning the likelihood that the  
25 incarcerated individual will not recover from such condition, disease or  
26 syndrome, a description of the incarcerated individual's physical or  
27 cognitive incapacity which shall include a prediction respecting the  
28 likely duration of the incapacity, and a statement by the physician of

1 whether the incarcerated individual is so debilitated or incapacitated  
2 as to be severely restricted in [his or her] their ability to self-ambu-  
3 late or to perform significant normal activities of daily living. This  
4 report also shall include a recommendation of the type and level of  
5 services and treatment the incarcerated individual would require if  
6 granted medical parole and a recommendation for the types of settings in  
7 which the services and treatment should be given.

8 § 57. Paragraph (b) of subdivision 1 of section 2807-n of the public  
9 health law, as added by section 63-f of part C of chapter 58 of the laws  
10 of 2007, is amended to read as follows:

11 (b) "Palliative care certified medical school" shall mean a medical  
12 school in the state which is an institution granting a degree of doctor  
13 of medicine or doctor of osteopathic medicine in accordance with regu-  
14 lations by the commissioner of education under subdivision two of  
15 section [~~sixty-five~~] thirty-seven hundred [~~twenty-four~~] fifty-four of  
16 [the education law] this chapter, and which meets standards defined by  
17 the commissioner [of health], after consultation with the council,  
18 pursuant to regulations, and used to determine whether a medical school  
19 is eligible for funding under this section.

20 § 58. Subparagraph (v) of paragraph (g) of subdivision 1 of section  
21 2803 of the public health law, as amended by chapter 618 of the laws of  
22 2022, is amended to read as follows:

23 (v) a right to be informed of the name, position, and functions of any  
24 persons, including medical students and physicians exempt from New York  
25 state licensure pursuant to section [~~sixty-five~~] thirty-seven hundred  
26 [~~twenty-six~~] fifty-six of [the education law] this chapter, who provide  
27 face-to-face care to or direct observation of the patient;



1 § 59. Subdivision 1 of section 3000-a of the public health law, as  
2 amended by chapter 69 of the laws of 1994, is amended to read as  
3 follows:

4 1. Except as provided in subdivision six of section six thousand six  
5 hundred eleven, [subdivision two of section six thousand five hundred  
6 twenty-seven,] subdivision one of section six thousand nine hundred nine  
7 [and sections six thousand five hundred forty-seven and], section six  
8 thousand seven hundred thirty-seven of the education law and section  
9 thirty-seven hundred fifty-one of this chapter, any person who voluntar-  
10 ily and without expectation of monetary compensation renders first aid  
11 or emergency treatment at the scene of an accident or other emergency  
12 outside a hospital, doctor's office or any other place having proper and  
13 necessary medical equipment, to a person who is unconscious, ill, or  
14 injured, shall not be liable for damages for injuries alleged to have  
15 been sustained by such person or for damages for the death of such  
16 person alleged to have occurred by reason of an act or omission in the  
17 rendering of such emergency treatment unless it is established that such  
18 injuries were or such death was caused by gross negligence on the part  
19 of such person. Nothing in this section shall be deemed or construed to  
20 relieve a licensed physician, dentist, nurse, physical therapist or  
21 registered physician's assistant from liability for damages for injuries  
22 or death caused by an act or omission on the part of such person while  
23 rendering professional services in the normal and ordinary course of  
24 [his or her] such person's practice.

25 § 60. Subdivision 1 of section 8216 of the education law, as added by  
26 chapter 772 of the laws of 1990, is amended to read as follows:

27 (1) A person who is validly registered as a "specialist's assistant-a-  
28 cupuncture" in accordance with section [sixty-five] thirty-seven hundred

1 [forty-one] four of [this chapter] the public health law and the commis-  
2 sioner's regulations shall not be subject to the provisions of this  
3 article;

4 § 61. Section 24-a of the correction law, as amended by chapter 322 of  
5 the laws of 2021, is amended to read as follows:

6 § 24-a. Actions against persons rendering health care services at the  
7 request of the department; defense and indemnification. The provisions  
8 of section seventeen of the public officers law shall apply to any  
9 person holding a license to practice a profession pursuant to article  
10 [one hundred thirty-one, one hundred thirty-one-B,] one hundred thirty-  
11 two, one hundred thirty-three, one hundred thirty-six, one hundred thir-  
12 ty-seven, one hundred thirty-nine, one hundred forty-one, one hundred  
13 forty-three, one hundred fifty-six or one hundred fifty-nine of the  
14 education law or article thirty-seven or thirty-seven-B of the public  
15 health law, who is rendering or has rendered professional services  
16 authorized under such license while acting at the request of the depart-  
17 ment or a facility of the department in providing health care and treat-  
18 ment or professional consultation to incarcerated individuals of state  
19 correctional facilities, or to the infant children of incarcerated indi-  
20 viduals while such infants are cared for in facility nurseries pursuant  
21 to section six hundred eleven of this chapter, without regard to whether  
22 such health care and treatment or professional consultation is provided  
23 within or without a correctional facility.

24 § 62. Section 910 of the education law, as amended by chapter 477 of  
25 the laws of 2004, is amended to read as follows:

26 § 910. Choice of method of treatment. Whenever affected by the  
27 requirements of this article, the school employee so affected, and, in  
28 the case of a child, the parent of, or person in parental relation to,

1 such child, shall have the right to determine the form or manner of  
2 treatment or remedial care to be prescribed or applied, but the treat-  
3 ment or remedial care must be in accordance with and as allowed under  
4 the provisions of article [one hundred thirty-one] thirty-seven-B of  
5 [this chapter] the public health law.

6 § 63. Subdivision 1 of section 6502-a of the education law, as added  
7 by chapter 702 of the laws of 2021, is amended to read as follows:

8 1. This section shall apply to healthcare professionals licensed,  
9 certified, registered or authorized pursuant to this title other than  
10 those licensed or registered pursuant to article [one hundred thirty-  
11 one] thirty-seven-B of [this title] the public health law.

12 § 64. Subparagraph (ii) of paragraph a and paragraph d of subdivision  
13 1 of section 6503-a of the education law, as added by chapter 130 of the  
14 laws of 2010, are amended to read as follows:

15 (ii) services constituting the provision of psychotherapy as defined  
16 in subdivision two of section eighty-four hundred one of this title and  
17 authorized and provided under article [one hundred thirty-one,] thirty-  
18 seven-B of the public health law or article one hundred thirty-nine, or  
19 one hundred fifty-three of this title.

20 d. Such waiver shall provide that services rendered pursuant to this  
21 section, directly or indirectly, shall be provided only by a person  
22 appropriately licensed to provide such services pursuant to article [one  
23 hundred thirty-one,] thirty-seven-B of the public health law or article  
24 one hundred thirty-nine, one hundred fifty-three, one hundred fifty-  
25 four, or one hundred sixty-three of this title, or by a person otherwise  
26 authorized to provide such services under such articles, or by a profes-  
27 sional entity authorized by law to provide such services.

1 § 65. Subdivision 1 of section 6510-b of the education law, as added  
2 by chapter 607 of the laws of 1985, is amended to read as follows:

3 1. The license and registration of a licensee who may be temporarily  
4 incapacitated for the active practice of a profession licensed pursuant  
5 to title eight of this chapter, [except professionals licensed pursuant  
6 to article one hundred thirty-one or article one hundred thirty-one-b  
7 thereof,] and whose alleged incapacity is the result of a problem of  
8 drug or alcohol abuse which has not resulted in harm to a patient or  
9 client, may be voluntarily surrendered to the department, which may  
10 accept and hold such license during the period of such alleged incapaci-  
11 ty or the department may accept the surrender of such license after  
12 agreement to conditions to be met prior to the restoration of the  
13 license. The department shall give written notification of such surren-  
14 der to the licensing authorities of any other state or country in which  
15 the licensee is authorized to practice. In addition to the foregoing,  
16 the department shall also give written notification of such surrender,  
17 for professionals licensed pursuant to articles one hundred thirty-two,  
18 one hundred thirty-three, one hundred thirty-five, one hundred thirty-  
19 seven, one hundred thirty-nine and one hundred forty-one of this chapter  
20 to the commissioner of health or [his] such commissioner's designee, and  
21 where appropriate to each hospital at which the professional has privi-  
22 leges, is affiliated, or is employed. The licensee whose license is so  
23 surrendered shall notify all persons who request professional services  
24 that [he or she has] they have temporarily withdrawn from the practice  
25 of the profession. The department may provide for similar notification  
26 of patients or clients and of other interested parties, as appropriate  
27 under the circumstances of the professional practice and responsibil-  
28 ities of the licensee. The licensure status of such licensee shall be

1 "inactive" and [he or she] such licensee shall not be authorized to  
2 practice the profession and shall refrain from practice in this state or  
3 in any other state or country. The voluntary surrender shall not be  
4 deemed to be an admission of disability or of professional misconduct,  
5 and shall not be used as evidence of a violation of subdivision three or  
6 four of section sixty-five hundred nine of this chapter, unless the  
7 licensee practices while the license is "inactive"; and any such prac-  
8 tice shall constitute a violation of subdivision eight of said section.  
9 The surrender of a license under this subdivision shall not bar any  
10 disciplinary action except action based solely upon the provisions of  
11 subdivision three or four of section sixty-five hundred nine of this  
12 chapter, and only if no harm to a patient has resulted; and shall not  
13 bar any civil or criminal action or proceeding which might be brought  
14 without regard to such surrender. A surrendered license shall be  
15 restored upon a showing to the satisfaction of the department that the  
16 licensee is not incapacitated for the active practice of the profession,  
17 provided that the department may, by order of the commissioner, impose  
18 reasonable conditions on the licensee, if it determines that because of  
19 the nature and extent of the licensee's former incapacity, such condi-  
20 tions are necessary to protect the health, safety and welfare of the  
21 public. Prompt written notification of such restoration shall be given  
22 to all licensing bodies which were notified of the temporary surrender  
23 of the license.

24 § 66. The opening paragraph and subdivision 2 of section 7010 of the  
25 education law, as added by chapter 438 of the laws of 2012, are amended  
26 to read as follows:

27 1. A limited permit to perform podiatric standard ankle surgery, as  
28 described in subdivision two of section seven thousand one of this arti-

1 cle, may be issued by the department to a podiatrist who is licensed  
2 pursuant to this article and who has met the residency and board  
3 qualification/certification requirements set forth in subdivision one of  
4 section seven thousand nine of this article in order to authorize such  
5 podiatrist to obtain the training and experience required for the issu-  
6 ance of a podiatric standard ankle surgery privilege pursuant to subdivi-  
7 vision one of section seven thousand nine of this article. Such permits  
8 shall authorize the performance of podiatric standard ankle surgery only  
9 under the direct personal supervision of a licensed podiatrist holding a  
10 podiatric standard ankle surgery privilege or a podiatric advanced ankle  
11 surgery privilege issued pursuant to section seven thousand nine of this  
12 article or of a physician licensed pursuant to article [one hundred  
13 thirty-one] thirty-seven-B of [this title] the public health law and  
14 certified in orthopedic surgery by a national certifying board having  
15 certification standards acceptable to the department.

16 2. A limited permit to perform podiatric advanced ankle surgery, as  
17 described in subdivision two of section seven thousand one of this arti-  
18 cle, may be issued by the department to a podiatrist who is licensed  
19 pursuant to this article and who has met the residency and board certif-  
20 ication requirements set forth in subdivision two of section seven thou-  
21 sand nine of this article in order to authorize such podiatrist to  
22 obtain the training and experience required for the issuance of a podia-  
23 tric advanced ankle surgery privilege pursuant to subdivision two of  
24 section seven thousand nine of this article. Such permits shall author-  
25 ize the performance of podiatric advanced ankle surgery only under the  
26 direct personal supervision of a licensed podiatrist holding a podiatric  
27 advanced ankle surgery privilege issued pursuant to subdivision two of  
28 section seven thousand nine of this article or of a physician licensed

1 pursuant to article [one hundred thirty-one] thirty-seven-B of [this  
2 title] the public health law and certified in orthopedic surgery by a  
3 national certifying board having certification standards acceptable to  
4 the department.

5 § 67. Subdivision 3 and subparagraph (i) of paragraph (c) of subdivi-  
6 sion 10 of section 7605 of the education law, subdivision 3 as added by  
7 chapter 676 of the laws of 2002 and subparagraph (i) of paragraph (c) of  
8 subdivision 10 as amended by section 2 of part Y of chapter 57 of the  
9 laws of 2018, are amended to read as follows:

10 3. The practice, conduct, activities or services by any person  
11 licensed or otherwise authorized to practice medicine within the state  
12 pursuant to article [one hundred thirty-one] thirty-seven-B of [this  
13 title] the public health law or by any person registered to perform  
14 services as a physician assistant within the state pursuant to article  
15 [one hundred thirty-one-B] thirty-seven of [this title] the public  
16 health law.

17 (i) A person without a license from participating as a member of a  
18 multi-disciplinary team to assist in the development of or implementa-  
19 tion of a behavioral health services or treatment plan; provided that  
20 such team shall include one or more professionals licensed under this  
21 article [or], articles [one hundred thirty-one,] one hundred thirty-  
22 nine, one hundred fifty-four or one hundred sixty-three of this chapter  
23 or article thirty-seven-B of the public health law; and provided,  
24 further, that the activities performed by members of the team shall be  
25 consistent with the scope of practice for each team member licensed or  
26 authorized under title VIII of this chapter, and those who are not so  
27 authorized may not engage in the following restricted practices: the  
28 diagnosis of mental, emotional, behavioral, addictive and developmental

1 disorders and disabilities; patient assessment and evaluating; the  
2 provision of psychotherapeutic treatment; the provision of treatment  
3 other than psychotherapeutic treatment; or independently developing and  
4 implementing assessment-based treatment plans as defined in section  
5 seventy-seven hundred one of this title.

6 § 68. Subdivision 1 and subparagraph (i) of paragraph (c) of subdivi-  
7 sion 7 of section 7706 of the education law, subdivision 1 as amended by  
8 chapter 554 of the laws of 2013 and subparagraph (i) of paragraph (c) of  
9 subdivision 7 as amended by section 4 of part Y of chapter 57 of the  
10 laws of 2018, are amended to read as follows:

11 1. Apply to the practice, conduct, activities, services or use of any  
12 title by any person licensed or otherwise authorized to practice medi-  
13 cine within the state pursuant to article [one hundred thirty-one] thir-  
14 ty-seven-B of [this title] the public health law or by any person regis-  
15 tered to perform services as a physician assistant within the state  
16 pursuant to article [one hundred thirty-one-B] thirty-seven of [this  
17 title] the public health law or by any person licensed or otherwise  
18 authorized to practice psychology within this state pursuant to article  
19 one hundred fifty-three of this title or by any person licensed or  
20 otherwise authorized to practice nursing as a registered professional  
21 nurse or nurse practitioner within this state pursuant to article one  
22 hundred thirty-nine of this title or by any person licensed or otherwise  
23 authorized to practice occupational therapy within this state pursuant  
24 to article one hundred fifty-six of this title or by any person licensed  
25 or otherwise authorized to practice mental health counseling, marriage  
26 and family therapy, creative arts therapy, or psychoanalysis within the  
27 state pursuant to article one hundred sixty-three of this title or by  
28 any person licensed or otherwise authorized to practice applied behavior



1 analysis within the state pursuant to article one hundred sixty-seven of  
2 this title; provided, however, that no physician, physician assistant,  
3 registered professional nurse, nurse practitioner, psychologist, occupa-  
4 tional therapist, licensed mental health counselor, licensed marriage  
5 and family therapist, licensed creative arts therapist, licensed psycho-  
6 analyst, licensed behavior analyst or certified behavior analyst assist-  
7 ant may use the titles "licensed clinical social worker" or "licensed  
8 master social worker", unless licensed under this article.

9 (i) Prevent a person without a license from participating as a member  
10 of a multi-disciplinary team to assist in the development of or imple-  
11 mentation of a behavioral health services or treatment plan; provided  
12 that such team shall include one or more professionals licensed under  
13 this article [or], articles [one hundred thirty-one,] one hundred thir-  
14 ty-nine, one hundred fifty-three or one hundred sixty-three of this  
15 chapter or article thirty-seven-B of the public health law; and  
16 provided, further, that the activities performed by members of the team  
17 shall be consistent with the scope of practice for each team member  
18 licensed or authorized under title VIII of this chapter, and those who  
19 are not so authorized may not engage in the following restricted prac-  
20 tices: the diagnosis of mental, emotional, behavioral, addictive and  
21 developmental disorders and disabilities; patient assessment and evalu-  
22 ating; the provision of psychotherapeutic treatment; the provision of  
23 treatment other than psychotherapeutic treatment; or independently  
24 developing and implementing assessment-based treatment plans as defined  
25 in section seventy-seven hundred one of this article.

26 § 69. Subdivision 1 of section 7906 of the education law, as amended  
27 by chapter 460 of the laws of 2011, is amended to read as follows:

1 (1) A licensed physician from practicing [his or her] their profession  
2 as defined under article [one hundred thirty-one] thirty-seven-B and  
3 article [one hundred thirty-one-B] thirty-seven of [this title] the  
4 public health law.

5 § 70. Subdivision 1 and subparagraph (i) of paragraph (c) of subdivi-  
6 sion 8 of section 8410 of the education law, subdivision 1 as amended by  
7 chapter 554 of the laws of 2013 and subparagraph (i) of paragraph (c) of  
8 subdivision 8 as amended by section 5 of part Y of chapter 57 of the  
9 laws of 2018, are amended to read as follows:

10 1. Apply to the practice, conduct, activities, services or use of any  
11 title by any person licensed or otherwise authorized to practice medi-  
12 cine within the state pursuant to article [one hundred thirty-one] thir-  
13 ty-seven-B of [this title] the public health law or by any person regis-  
14 tered to perform services as a physician assistant within the state  
15 pursuant to article [one hundred thirty-one-B] thirty-seven of [this  
16 title] the public health law or by any person licensed or otherwise  
17 authorized to practice psychology within this state pursuant to article  
18 one hundred fifty-three of this title or by any person licensed or  
19 otherwise authorized to practice social work within this state pursuant  
20 to article one hundred fifty-four of this title, or by any person  
21 licensed or otherwise authorized to practice nursing as a registered  
22 professional nurse or nurse practitioner within this state pursuant to  
23 article one hundred thirty-nine of this title or by any person licensed  
24 or otherwise authorized to practice applied behavior analysis within the  
25 state pursuant to article one hundred sixty-seven of this title;  
26 provided, however, that no physician, physician's assistant, registered  
27 professional nurse, nurse practitioner, psychologist, licensed master  
28 social worker, licensed clinical social worker, licensed behavior

1 analyst or certified behavior analyst assistant may use the titles  
2 "licensed mental health counselor", "licensed marriage and family thera-  
3 pist", "licensed creative arts therapist", or "licensed psychoanalyst",  
4 unless licensed under this article.

5 (i) Prevent a person without a license from participating as a member  
6 of a multi-disciplinary team to assist in the development of or imple-  
7 mentation of a behavioral health services or treatment plan; provided  
8 that such team shall include one or more professionals licensed under  
9 this article [or], articles one hundred thirty-one, one hundred thirty-  
10 nine, one hundred fifty-three or one hundred fifty-four of this chapter  
11 or article thirty-seven-B of the public health law; and provided,  
12 further, that the activities performed by members of the team shall be  
13 consistent with the scope of practice for each team member licensed or  
14 authorized under title VIII of this chapter, and those who are not so  
15 authorized may not engage in the following restricted practices: the  
16 diagnosis of mental, emotional, behavioral, addictive and developmental  
17 disorders and disabilities; patient assessment and evaluating; the  
18 provision of psychotherapeutic treatment; the provision of treatment  
19 other than psychotherapeutic treatment; or independently developing and  
20 implementing assessment-based treatment plans as defined in section  
21 seventy-seven hundred one of this chapter.

22 § 71. Subdivision 1 of section 8609 of the education law, as amended  
23 by chapter 446 of the laws of 2022, is amended to read as follows:

24 1. the practice, conduct, activities, or services by any person  
25 licensed or otherwise authorized to practice medicine within the state  
26 pursuant to article [one hundred thirty-one-B] thirty-seven-B of [this  
27 title] the public health law, or by any person registered to perform  
28 services as a physician assistant or specialist assistant within the

1 state pursuant to article [one hundred thirty-one-B] thirty-seven of  
2 [this title] the public health law, or by any person licensed to prac-  
3 tice dentistry within the state pursuant to article one hundred thirty-  
4 three of this title, or by any person licensed to practice podiatry  
5 within the state pursuant to article one hundred forty-one of this  
6 title, or by any person certified as a nurse practitioner within the  
7 state pursuant to article one hundred thirty-nine of this title, or by  
8 any person licensed to perform services as a respiratory therapist or  
9 respiratory therapy technician under article one hundred sixty-four of  
10 this title, or any person licensed to practice midwifery within the  
11 state pursuant to article one hundred forty of this title, or a person  
12 licensed to practice nursing pursuant to article one hundred thirty-nine  
13 of this title, or a person licensed to practice pursuant to article  
14 thirty-five of the public health law; provided, however, that no such  
15 person shall use the titles licensed clinical laboratory technologist,  
16 licensed cytotechnologist, licensed histotechnologist, certified clin-  
17 ical laboratory technician, or certified histotechnician, unless  
18 licensed or certified under this article; or

19 § 72. Subdivision 3 of section 8850 of the education law, as added by  
20 chapter 497 of the laws of 2016, is amended to read as follows:

21 3. The term "physician" means a practitioner of medicine licensed to  
22 practice medicine pursuant to article [one hundred thirty-one]  
23 thirty-seven-B of [this title] the public health law.

24 § 73. Section 522 of the executive law, as added by chapter 552 of the  
25 laws of 1993, is amended to read as follows:

26 § 522. Actions against persons rendering health care services at the  
27 request of the division; defense and indemnification. The provisions of  
28 section seventeen of the public officers law shall apply to any person

1 holding a license to practice a profession pursuant to article [one  
2 hundred thirty-one, one hundred thirty-one-B,] one hundred thirty-two,  
3 one hundred thirty-three, one hundred thirty-six, one hundred thirty-  
4 seven, one hundred thirty-nine, one hundred forty-one, one hundred  
5 forty-three, one hundred fifty-six or one hundred fifty-nine of the  
6 education law and article thirty-seven and thirty-seven-B of the public  
7 health law, who is rendering or has rendered professional services  
8 authorized under such license while acting at the request of the divi-  
9 sion or a facility of the division in providing health care and treat-  
10 ment or professional consultation to residents of division facilities,  
11 or to infants of residents while such infants are cared for in division  
12 facilities pursuant to section five hundred sixteen of this article,  
13 without regard to whether such health care and treatment or professional  
14 consultation is provided within or without a division facility.

15 § 74. Subdivision 9 of section 789 of the general business law, as  
16 added by chapter 599 of the laws of 1998, is amended to read as follows:

17 9. "Otolaryngologist" means a physician licensed under article [one  
18 hundred thirty-one] thirty-seven-B of the [education] public health law,  
19 who practices that branch of medicine which treats diseases of the ear,  
20 nose and throat.

21 § 75. Paragraph 4 of subdivision (a) of section 33.16 of the mental  
22 hygiene law, as amended by chapter 226 of the laws of 1991, is amended  
23 to read as follows:

24 4. "Mental health practitioner" or "practitioner" means a person  
25 employed by or rendering a service at a facility maintaining the clin-  
26 ical record licensed under article [one hundred thirty-one] thirty-sev-  
27 en-B of the [education] public health law who practices psychiatry or a  
28 person licensed under article one hundred thirty-nine, one hundred

1 fifty-three or one hundred fifty-four of the education law or any other  
2 person not prohibited by law from providing mental health or develop-  
3 mental disabilities services.

4 § 76. Section 14 of the public health law, as amended by chapter 2 of  
5 the laws of 1998, is amended to read as follows:

6 § 14. Actions against persons rendering professional services at the  
7 request of the department; defense and indemnification. The provisions  
8 of section seventeen of the public officers law shall apply to any  
9 physician, dentist, nurse or other health care professional who: (i) is  
10 licensed to practice pursuant to article [one hundred thirty-one, one  
11 hundred thirty-one-B,] one hundred thirty-three, one hundred thirty-six,  
12 one hundred thirty-seven, one hundred thirty-nine, one hundred forty-  
13 three, one hundred fifty-six, one hundred fifty-seven, one hundred  
14 fifty-nine or one hundred sixty-four of the education law or article  
15 thirty-seven or thirty-seven-B of this chapter and who is rendering  
16 professional treatment or consultation in connection with professional  
17 treatment authorized under such license at the request of the depart-  
18 ment, or at a departmental facility, including clinical practice  
19 provided pursuant to a clinical practice plan established pursuant to  
20 subdivision fourteen of section two hundred six of this chapter, to  
21 patients receiving care or professional consultation from the department  
22 while rendering such professional treatment or consultation; (ii) is  
23 rendering consultation in connection with an audit or prepayment review  
24 of claims or treatment requests under the medical assistance program; or  
25 (iii) assists the department as consultants or expert witnesses in the  
26 investigation or prosecution of alleged violations of article twenty-  
27 eight, thirty-six, forty-four or forty-seven of this chapter or rules  
28 and regulations adopted pursuant thereto.

1 § 77. Paragraph (d) of subdivision 1 of section 18 of the public  
2 health law, as added by chapter 497 of the laws of 1986, is amended to  
3 read as follows:

4 (d) "Health care practitioner" or "practitioner" means a person  
5 licensed under article [one hundred thirty-one, one hundred  
6 thirty-one-B,] one hundred thirty-two, one hundred thirty-three, one  
7 hundred thirty-six, one hundred thirty-nine, one hundred forty-one, one  
8 hundred forty-three, one hundred forty-four, one hundred fifty-three,  
9 one hundred fifty-four, one hundred fifty-six or one hundred fifty-nine  
10 of the education law, or article thirty-seven or thirty-seven-B of this  
11 chapter or a person certified under section twenty-five hundred sixty of  
12 this chapter.

13 § 78. The opening paragraph of subdivision 1 of section 19 of the  
14 public health law, as added by chapter 572 of the laws of 1990, is  
15 amended to read as follows:

16 No physician licensed under article [one hundred thirty-one]  
17 thirty-seven-B of [the education law] this chapter shall charge from a  
18 beneficiary of health insurance under title XVIII of the federal social  
19 security act (medicare) any amount in excess of the following limita-  
20 tions:

21 § 79. Paragraph (i) of subdivision 1 and subdivision 5 of section  
22 230-d of the public health law, paragraph (i) of subdivision 1 as  
23 amended by chapter 438 of the laws of 2012 and subdivision 5 as added by  
24 chapter 365 of the laws of 2007, are amended to read as follows:

25 (i) "Licensee" shall mean an individual licensed or otherwise author-  
26 ized under article [one hundred thirty-one, one hundred thirty-one-B,]  
27 thirty-seven or thirty-seven-B of this chapter or individuals who have  
28 obtained an issuance of a privilege to perform podiatric standard or

1 advanced ankle surgery pursuant to subdivisions one and two of section  
2 seven thousand nine of the education law.

3 5. The commissioner shall make, adopt, promulgate and enforce such  
4 rules and regulations, as [he or she] such commissioner may deem appro-  
5 priate, to effectuate the purposes of this section. Where any rule or  
6 regulation under this section would affect the scope of practice of a  
7 health care practitioner licensed, registered or certified under title  
8 eight of the education law [other than those licensed under articles one  
9 hundred thirty-one or one hundred thirty-one-B of the education law],  
10 the rule or regulation shall be made with the concurrence of the commis-  
11 sioner of education.

12 § 80. Subdivision 1 of section 462 of the public health law, as added  
13 by chapter 562 of the laws of 2001, is amended to read as follows:

14 1. This article shall not apply to or affect a physician duly licensed  
15 under article [one hundred thirty-one] thirty-seven-B of [the education  
16 law] this chapter or x-ray technicians.

17 § 81. Subdivision 2 of section 470 of the public health law, as added  
18 by chapter 514 of the laws of 2004, is amended to read as follows:

19 2. No person shall perform a tongue-splitting on another person,  
20 unless the person performing such tongue-splitting is licensed to prac-  
21 tice medicine pursuant to article [one hundred thirty-one] thirty-sev-  
22 en-B of [the education law] this chapter or licensed to practice dentis-  
23 try pursuant to article one hundred thirty-three of the education law.

24 § 82. Section 2509-c of the public health law, as added by section 5  
25 of subpart A of part JJ of chapter 56 of the laws of 2021, is amended to  
26 read as follows:

27 § 2509-c. Availability of adverse childhood experiences services.  
28 Every pediatrics health care provider licensed pursuant to article [one



1 hundred thirty-one] thirty-seven-B of [the education law] this chapter  
2 shall be required to provide the parent, guardian, custodian or other  
3 authorized individual of a child that the pediatrician sees in their  
4 official capacity, with educational materials developed pursuant to  
5 subdivision two of section three hundred seventy-c of the social  
6 services law. Such materials may be provided electronically and shall be  
7 used to inform and educate them about adverse childhood experiences, the  
8 importance of protective factors and the availability of services for  
9 children at risk for or experiencing adverse childhood experiences.

10 § 83. Subdivision 17 of section 2511 of the public health law, as  
11 added by chapter 2 of the laws of 1998, is amended to read as follows:

12 17. The commissioner, in consultation with the superintendent, is  
13 authorized to establish and operate a child health information service  
14 which shall utilize advanced telecommunications technologies to meet the  
15 health information and support needs of children, parents and medical  
16 professionals, which shall include, but not be limited to, treatment  
17 guidelines for children, treatment protocols, research articles and  
18 standards for the care of children from birth through eighteen years of  
19 age. Such information shall not constitute the practice of medicine, as  
20 defined in article [one hundred thirty-one] thirty-seven-B of [the  
21 education law] this chapter.

22 § 84. Paragraph (b) of subdivision 1 of section 2805-u of the public  
23 health law, as added by chapter 390 of the laws of 2012, is amended to  
24 read as follows:

25 (b) "Health care practitioner" shall mean a person licensed pursuant  
26 to article [one hundred thirty-one, one hundred thirty-one-B,] one  
27 hundred thirty-three, one hundred thirty-nine, one hundred forty, one  
28 hundred forty-one, one hundred forty-three, one hundred forty-four, one

1 hundred fifty-three, one hundred fifty-four or one hundred fifty-nine of  
2 the education law, article thirty-seven or thirty-seven-B of this chap-  
3 ter, or as otherwise authorized by the commissioner.

4 § 85. Subdivision 3 of section 2998-e of the public health law, as  
5 added by chapter 365 of the laws of 2007, is amended to read as follows:

6 3. The commissioner shall make, adopt, promulgate and enforce such  
7 rules and regulations, as [he or she] such commissioner may deem appro-  
8 priate, to effectuate the purposes of this section. Where any rule or  
9 regulation under this section would affect the scope of practice of a  
10 health care practitioner licensed, registered or certified under title  
11 eight of the education law [other than those licensed under articles one  
12 hundred thirty-one or one hundred thirty-one-B of the education law],  
13 the rule or regulation shall be made with the concurrence of the commis-  
14 sioner of education.

15 § 86. Paragraphs (a) and (b) of subdivision 2 and subdivision 7 of  
16 section 2999-cc of the public health law, paragraphs (a) and (b) of  
17 subdivision 2 as amended by chapter 454 of the laws of 2015, and subdivi-  
18 sion 7 as amended by section 3 of subpart C of part S of chapter 57 of  
19 the laws of 2018, are amended to read as follows:

20 (a) a physician licensed pursuant to article [one hundred thirty-one]  
21 thirty-seven-B of [the education law] this chapter;

22 (b) a physician assistant licensed pursuant to article [one hundred  
23 thirty-one-B] thirty-seven of [the education law] this chapter;

24 7. "Remote patient monitoring" means the use of synchronous or asyn-  
25 chronous electronic information and communication technologies to  
26 collect personal health information and medical data from a patient at  
27 an originating site that is transmitted to a telehealth provider at a  
28 distant site for use in the treatment and management of medical condi-

1 tions that require frequent monitoring. Such technologies may include  
2 additional interaction triggered by previous transmissions, such as  
3 interactive queries conducted through communication technologies or by  
4 telephone. Such conditions shall include, but not be limited to, congestive  
5 heart failure, diabetes, chronic obstructive pulmonary disease,  
6 wound care, polypharmacy, mental or behavioral problems, and technology-  
7 dependent care such as continuous oxygen, ventilator care, total  
8 parenteral nutrition or enteral feeding. Remote patient monitoring shall  
9 be ordered by a physician licensed pursuant to article [one hundred  
10 thirty-one] thirty-seven-B of [the education law] this chapter, a nurse  
11 practitioner licensed pursuant to article one hundred thirty-nine of the  
12 education law, or a midwife licensed pursuant to article one hundred  
13 forty of the education law, with which the patient has a substantial and  
14 ongoing relationship.

15 § 87. Subdivision 4 of section 3383 of the public health law, as added  
16 by chapter 494 of the laws of 1982, is amended to read as follows:

17 4. No liability shall be imposed by virtue of this section on any  
18 person licensed pursuant to article [one hundred thirty-one] thirty-seven-  
19 en-B of [the education law] this chapter or licensed under this article  
20 who manufactures, distributed, sells, prescribes, dispenses or possesses  
21 an imitation controlled substance for use as a placebo or for use in  
22 clinical research conducted pursuant to the federal food, drug and  
23 cosmetic act.

24 § 88. Paragraph (b) of subdivision 1 of section 4405-b of the public  
25 health law, as amended by chapter 542 of the laws of 2000, is amended to  
26 read as follows:

27 (b) An organization shall make a report to be made to the appropriate  
28 professional disciplinary agency within thirty days of obtaining know-

1 ledge of any information that reasonably appears to show that a health  
2 professional is guilty of professional misconduct as defined in article  
3 [one hundred thirty or one hundred thirty-one-A] thirty-seven-B or title  
4 two-A of article two of [the education law] this chapter. A violation  
5 of this subdivision shall not be subject to the provisions of section  
6 twelve-b of this chapter.

7 § 89. Subdivision 2 of section 4702 of the public health law, as  
8 amended by chapter 805 of the laws of 1984, is amended to read as  
9 follows:

10 2. "Shared health facility" or "facility" means any arrangement where-  
11 in four or more practitioners licensed under the provisions of article  
12 [one hundred thirty-one, one hundred thirty-one-a,] one hundred thirty-  
13 two, one hundred thirty-three, one hundred thirty-seven, one hundred  
14 thirty-nine, one hundred forty-one, one hundred forty-three, one hundred  
15 forty-four, one hundred fifty-six or one hundred fifty-nine of the  
16 education law or article thirty-seven-B or title two-A of article two of  
17 this chapter, one or more of whom receives payment under the program and  
18 whose total aggregate monthly remuneration from such program is in  
19 excess of five thousand dollars for any one month during the preceding  
20 twelve months, (a) practice their professions at a common physical  
21 location; and (b) share (i) common waiting areas, examining rooms,  
22 treatment rooms or other space, or (ii) the services of supporting  
23 staff, or (iii) equipment; and (c) a person, whether such person is a  
24 practitioner or not, is in charge of, controls, manages or supervises  
25 substantial aspects of the arrangement or operation for the delivery of  
26 health or medical services at said common physical location, other than  
27 the direct furnishing of professional services by the practitioners to  
28 their patients, or a person makes available to the practitioners the

1 services of supporting staff who are not employees of the practitioners.  
2 "Shared health facility" does not mean or include practitioners practic-  
3 ing their profession as a partnership provided that members of the  
4 supporting staff are employees of such legal entity and if there is an  
5 office manager, or person with similar title, [he is] they are an  
6 employee of the legal entity whose compensation is customary and not  
7 excessive for such services and there is no person described in para-  
8 graph (c) of this subdivision. "Shared health facility" does not mean or  
9 include any entity organized pursuant to the provisions of article twen-  
10 ty-eight of this chapter or operating under a certificate issued pursu-  
11 ant to the provisions of article thirteen of the mental hygiene law; nor  
12 shall it mean or include a facility wherein ambulatory medical services  
13 are provided by an organized group of physicians pursuant to an arrange-  
14 ment between such group and a health services corporation operating  
15 under article forty-three of the insurance law or a health maintenance  
16 organization operating under article forty-four of the public health  
17 law, and where the health services corporation or the health maintenance  
18 organization is reimbursed on a prepaid capitation basis for the  
19 provision of health care services under New York state's medical assist-  
20 ance program.

21 § 90. Subdivision 12 of section 130.00 of the penal law, as added by  
22 chapter 1 of the laws of 2000, is amended to read as follows:

23 12. "Health care provider" means any person who is, or is required to  
24 be, licensed or registered or holds [himself or herself] themselves out to  
25 be licensed or registered, or provides services as if [he or she] they  
26 were licensed or registered in the profession of medicine, chiropractic,  
27 dentistry or podiatry under any of the following: article [one hundred  
28 thirty-one,] one hundred thirty-two, one hundred thirty-three, or one

1 hundred forty-one of the education law or article thirty-seven-B of the  
2 public health law.

3 § 91. Subparagraph (iv) of paragraph (a) of subdivision 5 of section  
4 1750-b of the surrogate's court procedure act, as amended by chapter 198  
5 of the laws of 2016, is amended to read as follows:

6 (iv) any other health care practitioner providing services to the  
7 person who is intellectually disabled, who is licensed pursuant to arti-  
8 cle [one hundred thirty-one, one hundred thirty-one-B,] one hundred  
9 thirty-two, one hundred thirty-three, one hundred thirty-six, one  
10 hundred thirty-nine, one hundred forty-one, one hundred forty-three, one  
11 hundred forty-four, one hundred fifty-three, one hundred fifty-four, one  
12 hundred fifty-six, one hundred fifty-nine or one hundred sixty-four of  
13 the education law or article thirty-seven or thirty-seven-B of the  
14 public health law; or

15 § 92. Subdivision 22 of section 201 of the workers' compensation law,  
16 as added by section 2 of part SS of chapter 54 of the laws of 2016, is  
17 amended to read as follows:

18 22. "Health care provider" shall mean for the purpose of family leave,  
19 a person licensed under article [one hundred thirty-one, one hundred  
20 thirty-one-B,] one hundred thirty-two, one hundred thirty-three, one  
21 hundred thirty-six, one hundred thirty-nine, one hundred forty-one, one  
22 hundred forty-three, one hundred forty-four, one hundred fifty-three,  
23 one hundred fifty-four, one hundred fifty-six or one hundred fifty-nine  
24 of the education law or a person licensed under article thirty-seven or  
25 thirty-seven-B of the public health law, article one hundred forty of  
26 the education law or article one hundred sixty-three of the education  
27 law.

1 § 93. Subdivision b of section 17-357 of the administrative code of  
2 the city of New York, as added by local law number 12 of the city of New  
3 York for the year 1997, is amended to read as follows:

4 b. The provisions of this subchapter shall not apply to a physician  
5 licensed under article [one hundred thirty-one] thirty-seven-B of the  
6 New York state [education] public health law.

7 § 94. Subdivision e of section 20-815 of the administrative code of  
8 the city of New York, as added by local law number 17 of the city of New  
9 York for the year 2011, is amended to read as follows:

10 e. "Licensed medical provider" shall mean a person licensed or other-  
11 wise authorized under the provisions of articles [one hundred thirty-  
12 one, one hundred thirty-one-a, one hundred thirty-one-b,] one hundred  
13 thirty-nine or one hundred forty of the education law of New York or  
14 article thirty-seven, thirty-seven-B, or title two-A of article two of  
15 the public health law of New York, to provide medical services.

16 § 95. Subparagraph (xvi) of paragraph (d) of subdivision 1 of section  
17 160.57 of the criminal procedure law, as added by chapter 631 of the  
18 laws of 2023, is amended to read as follows:

19 (xvi) the state education department for the purposes of investigating  
20 professional misconduct as defined in subparagraph (i) of paragraph (a)  
21 of subdivision five of section sixty-five hundred nine of the education  
22 law, consideration of restoration of a professional license pursuant to  
23 section sixty-five hundred eleven of the education law, or determi-  
24 nations for issuing a license to practice a profession or issuing  
25 certificates and privileges for which prior licensure is required, for  
26 the professions under articles [one hundred thirty-one, one hundred  
27 thirty-one-b,] one hundred thirty-two, one hundred thirty-three, one  
28 hundred thirty-four, one hundred thirty-five, one hundred thirty-six,

1 one hundred thirty-seven, one hundred thirty-nine, one hundred forty,  
2 one hundred forty-one, one hundred forty-three, one hundred forty-four,  
3 one hundred forty-five, one hundred forty-seven, one hundred forty-nine,  
4 one hundred fifty-three, one hundred fifty-four, one hundred fifty-five,  
5 one hundred fifty-six, one hundred fifty-seven, one hundred fifty-nine,  
6 one hundred sixty, one hundred sixty-two, one hundred sixty-three, one  
7 hundred sixty-four, and one hundred sixty-seven as such professions are  
8 defined in title eight of the education law, provided that the state  
9 education department certifies to the division of criminal justice  
10 services that it is investigating an individual licensed to practice a  
11 profession pursuant to article one hundred thirty of the education law  
12 for professional misconduct as defined in paragraph (a) of subdivision  
13 five of section sixty-five hundred nine of the education law, consider-  
14 ing restoration of a professional license pursuant to section sixty-five  
15 hundred eleven of the education law, or making a determination for issu-  
16 ing a license to practice a profession or issuing certificates and priv-  
17 ileges for which prior licensure is required as appropriate. Provided,  
18 further, that the board of regents may consider any prior conviction  
19 that formed the basis of a determination of the board of regents in a  
20 disciplinary proceeding pursuant to section sixty-five hundred ten of  
21 the education law and the rules and regulations promulgated pursuant  
22 thereto in an application for reconsideration, even if such conviction  
23 later becomes sealed pursuant to this section; and

24 § 96. Transfer of employees. Notwithstanding any other provision of  
25 law, rule, or regulation to the contrary, upon the transfer of any func-  
26 tions from the state education department to the department of health  
27 for the administration, regulation, and control of professional entities  
28 established under the business corporation law, the limited liability



1 company law or the partnership law for the provision of medical  
2 services, employees performing those functions shall be transferred to  
3 the department of health pursuant to subdivision 2 of section 70 of the  
4 civil service law. Employees transferred pursuant to this section shall  
5 be transferred without further examination or qualification and shall  
6 retain their respective civil service classifications, status and  
7 collective bargaining unit designations and collective bargaining agree-  
8 ments.

9 § 97. Transfer of functions, powers, duties and obligations. Notwith-  
10 standing any inconsistent provisions of law to the contrary, effective  
11 January 1, 2026, all functions, powers, duties and obligations of the  
12 education department concerning the professions of medicine, physicians,  
13 physician assistants, and specialist assistants under title 8 of the  
14 education law shall be transferred to the New York state department of  
15 health.

16 § 98. Transfer of records. All books, papers and property of the state  
17 education department with respect to the functions, powers and duties  
18 transferred by this act are to be delivered to the appropriate offices  
19 within the department of health, at such place and time, and in such  
20 manner as the department of health requires.

21 § 99. Continuity of authority. For the purpose of all functions,  
22 powers, duties and obligations of the state education department trans-  
23 ferred to and assumed by the department of health, the department of  
24 health shall continue the operation of the provisions previously done by  
25 the state education department, pursuant to this act.

26 § 100. Completion of unfinished business. Any business or other matter  
27 undertaken or commenced by the state education department pertaining to  
28 or connected with the functions, powers, duties and obligations hereby

1 transferred and assigned to the department of health and pending on the  
2 effective date of January 1, 2026 shall be conducted and completed by  
3 the department of health in the same manner and under the same terms and  
4 conditions and with the same effect as if conducted and completed by the  
5 state education department.

6 § 101. Continuation of rules and regulations. All rules, regulations,  
7 acts, orders, determinations, and decisions of the state education  
8 department in force at the time of such transfer and assumption, shall  
9 continue in force and effect as rules, regulations, acts, orders, deter-  
10 minations and decisions of the department of health until duly modified  
11 or abrogated by the department of health.

12 § 102. Terms occurring in laws, contracts and other documents. When-  
13 ever the state education department is referred to or designated in any  
14 law, contract or document pertaining to the functions, powers, obli-  
15 gations and duties hereby transferred and assigned, such reference or  
16 designation shall be deemed to refer to department of health or the  
17 commissioner thereof.

18 § 103. Existing rights and remedies preserved. No existing right or  
19 remedy of any character shall be lost, impaired or affected by reason of  
20 this act.

21 § 104. Pending actions or proceedings. No action or proceeding pending  
22 at the time when this act shall take effect relating to the functions,  
23 powers and duties of the state education department transferred pursuant  
24 to this act, brought by or against the state education department or  
25 board of regents shall be affected by any provision of this act, but the  
26 same may be prosecuted or defended in the name of the commissioner of  
27 the department of health. In all such actions and proceedings, the

1 commissioner of health, upon application to the court, shall be substi-  
2 tuted as a party.

3 § 105. Transfer of appropriations heretofore made to the state educa-  
4 tion department. Upon the transfer pursuant to this act of the functions  
5 and powers possessed by and of the obligations and duties of the educa-  
6 tion department, all appropriations and reappropriations which shall  
7 have been made available as of the date of such transfer to the educa-  
8 tion department, or segregated pursuant to law, to the extent of remain-  
9 ing unexpended or unencumbered balances thereof, whether allocated or  
10 unallocated and whether obligated or unobligated, shall be transferred  
11 to and made available for use and expenditure by the department of  
12 health and shall be payable on vouchers certified or approved by the  
13 commissioner of taxation and finance, on audit and warrant of the comp-  
14 troller. Payments of liabilities for expenses of personnel services,  
15 maintenance and operation which shall have been incurred as of the date  
16 of such transfer by the education department, and for liabilities  
17 incurred and to be incurred in completing its affairs, shall also be  
18 made on vouchers certified or approved by the commissioner of education  
19 on audit and warrant of the comptroller.

20 § 106. This act shall take effect January 1, 2026, provided, however,  
21 that paragraph (b) of subdivision 2 of section 3702 of the public health  
22 law as added by section nine of this act shall take effect one year  
23 after it shall have become a law; provided, further, that the amendments  
24 to paragraph (a) of subdivision 10 of section 230 of the public health  
25 law made by section thirty-eight of this act shall not affect the expi-  
26 ration of such paragraph and shall be deemed to expire therewith;  
27 provided, further, that the amendments to subdivision 4 of section  
28 2995-a of the public health law made by section forty-two-a of this act

1 shall take effect on the same date and in the same manner as section 2  
2 of chapter 572 of the laws of 2024, takes effect. Effective immediately,  
3 the addition, amendment and/or repeal of any rule or regulation neces-  
4 sary for the implementation of this act on its effective date are  
5 authorized to be made and completed on or before such date.

6 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
7 sion, section, or subpart of this part shall be adjudged by any court of  
8 competent jurisdiction to be invalid, such judgment shall not affect,  
9 impair, or invalidate the remainder of that subpart or this part, but  
10 shall be confined in its operation to the clause, sentence, paragraph,  
11 subdivision, section, or subpart directly involved in the controversy in  
12 which such judgment shall have been rendered. It is hereby declared to  
13 be the intent of the legislature that this part and each subpart herein  
14 would have been enacted even if such invalid provisions had not been  
15 included herein.

16 § 3. This act shall take effect immediately and shall be deemed to  
17 have been in full force and effect on and after April 1, 2025; provided,  
18 however, that the applicable effective dates of Subparts A through E of  
19 this act shall be as specifically set forth in the last section of such  
20 Subparts.