

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)

BILL NUMBER: A1108A

REPLACEMENT

SPONSOR: Weisenberg

TITLE OF BILL: An act to amend the public health law, in relation to the duties of the board for professional medical conduct to report potential criminal conduct to the local authorities

PURPOSE: To expedite and insure that law enforcement investigates alleged criminal conduct reported to the Board for Professional Medical Conduct.

SUMMARY OF PROVISIONS: Section 1 adds to a new subparagraph (i-a) to subdivision 10 of section 230 of the Public Health Law to require the Board for Professional Medical Conduct to notify the district attorney of the county in which an action leading to a complaint took place, if it is reasonable to believe that the alleged action is a criminal offense.

Section 2 amends subparagraph (v) of paragraph (a) of subdivision 10 of section 230 of the Public Health Law to clarify that confidentiality relating to the investigation of possible instances of medical misconduct shall not affect the duties to notify the district attorney as required in the new subparagraph (i-a) to subdivision 10.

Section 3 provides for an immediate effective date.

EXISTING LAW: Existing law does not require the Board for Professional Medical Conduct to notify law enforcement of alleged criminal offenses which may come to the Board's attention upon reviewing complaints of medical misconduct.

JUSTIFICATION: According to media reports, in 1999, the NYS Health Department received complaints regarding a prominent pediatric neurologist who was allegedly abusing children. Local law enforcement authorities were never made aware of the accusations. In 2002, a parent of one of the allegedly abused children brought charges directly to the police and the subsequent investigation led to the arrest of the doctor. Since the arrest, over 100 complaints have come forward. If the Board of Professional Medical Conduct, which operates under the auspices of the Health Department, had been required to report allegations of a criminal nature to law enforcement authorities, many children may have been spared the trauma of victimization.

LEGISLATIVE HISTORY: New Bill.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: Immediately.

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