

1729

2009-2010 Regular Sessions

IN ASSEMBLY

January 9, 2009

Introduced by M. of A. GOTTFRIED, TOWNS, SCHROEDER -- Multi-Sponsored by  
-- M. of A. AUBRY, BOYLAND, DINOWITZ, GALEF -- read once and referred  
to the Committee on Health

AN ACT to amend the public health law, in relation to hospital access of  
psychologists

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 1 and 3 of section 2801-b of the public health  
2 law, as amended by chapter 605 of the laws of 2008, are amended to read  
3 as follows:

4 1. It shall be an improper practice for the governing body of a hospi-  
5 tal to refuse to act upon an application for staff membership or profes-  
6 sional privileges or to deny or withhold from a physician, podiatrist,  
7 optometrist, dentist [or], licensed midwife, OR PSYCHOLOGIST staff  
8 membership or professional privileges in a hospital, or to exclude or  
9 expel a physician, podiatrist, optometrist, dentist [or], licensed  
10 midwife OR PSYCHOLOGIST from staff membership in a hospital or curtail,  
11 terminate or diminish in any way a physician's, podiatrist's,  
12 optometrist's, dentist's [or], licensed midwife's OR PSYCHOLOGIST'S  
13 professional privileges in a hospital, without stating the reasons  
14 therefor, or if the reasons stated are unrelated to standards of patient  
15 care, patient welfare, the objectives of the institution or the charac-  
16 ter or competency of the applicant. It shall be an improper practice for  
17 a governing body of a hospital to refuse to act upon an application or  
18 to deny or to withhold staff membership or professional privileges to a  
19 podiatrist based solely upon a practitioner's category of licensure.

20 3. After the filing of any such complaint, the public health council  
21 shall make a prompt investigation in connection therewith. In conducting  
22 such investigation, the public health council is authorized to receive  
23 reports from the governing body of the hospital and the complainant, as  
24 the case may be, and the furnishing of such information to the public

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

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1 health council, or by the council to the governing body or complainant,  
2 shall not subject any person or hospital to any action for damages or  
3 other relief. Such information when received by the public health coun-  
4 cil, or its authorized representative, shall be kept confidential and  
5 shall be used solely for the purposes of this section and the improve-

6 ment of the standards of patient care and patient welfare. The records  
7 of such proceedings shall not be admissible as evidence in any other  
8 action of any kind in any court or before any other tribunal, board,  
9 agency, or person. If the council shall determine after such investi-  
10 gation that cause exists for crediting the allegations of the complaint,  
11 the council shall promptly so advise the governing body of the hospital  
12 against which the complaint was made, and shall direct that such govern-  
13 ing body make a review of the actions of such body in denying or with-  
14 holding staff membership or professional privileges from the complainant  
15 physician, podiatrist, optometrist, dentist [or], licensed midwife OR  
16 PSYCHOLOGIST or in excluding or expelling such physician, podiatrist,  
17 optometrist, dentist [or], licensed midwife OR PSYCHOLOGIST from staff  
18 membership or in curtailing, terminating or in any way diminishing such  
19 physician's, podiatrist's, optometrist's, dentist's [or], licensed  
20 midwife's OR PSYCHOLOGIST'S professional privileges in the hospital.

21 S 2. This act shall take effect on the one hundred eightieth day after  
22 it shall have become a law, provided, that the addition, amendment  
23 and/or repeal of any rule or regulation necessary for the implementation  
24 of the provisions of this act on its effective date is authorized and  
25 directed to be completed on or before such date.