



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

October 8, 2020

Dear Doctor:

As you may be aware, New York State Public Health Law (PHL) Section 230 was amended, effective October 7, 2020. Specifically, the amendment adds a new paragraph (h) to PHL Section 230, subsection 11, which reads as follows:

(h) The office of professional medical conduct shall post on its website information on patients' rights and reporting options under this subdivision regarding professional misconduct, which shall specifically include information on reporting instances of misconduct involving sexual harassment and assault. All physicians' practice settings shall conspicuously post signage, visible to their patients, directing such patients to the office of professional medical conduct's website for information about their rights and how to report professional misconduct. (emphasis added)

The intent of this legislation is to give patients greater access to information regarding how to report misconduct, especially sexual misconduct, committed by physicians (and by extension physician assistants, specialist assistants, and unlicensed medical residents) to the Office of Professional Medical Conduct (OPMC).

In order to comply with this amendment to PHL, you must ensure that information is posted referring patients to the OPMC's website at: <https://www.health.ny.gov/professionals/doctors/conduct/>. Here, patients will find information on their rights and reporting options if they feel they may have been subjected to professional misconduct, in general, and specifically sexual harassment and sexual assault. Because this amendment directs said posting to be conspicuous, please ensure that it is readily visible in all areas accessed by patients and those who accompany them to visits. Suggested posting locations include, but are not limited to, waiting rooms, check-in/out windows, and treatment areas.

You may also wish to consult with your state medical or osteopathic society, specialty society, local county medical society, an attorney, or other source for further guidance on ensuring your practice is compliant with PHL§230-11(h).

Thank you for your anticipated cooperation and compliance with this new requirement. If you have any questions or concerns, you may contact me at (518) 402-0855.

Sincerely,

Paula M. Breen
Director
Office of Professional Medical Conduct

If you are a patient and feel you have been involved in an instance of misconduct, please refer to the Office of Professional Medical Conduct (OPMC) at:

<https://www.health.ny.gov/professionals/doctors/conduct/>