

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

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*Division of Governmental Affairs*  
**MEMORANDUM IN SUPPORT**

**PASSED SENATE**

**S. 8093-A (HANNON)**

**ON ASSEMBLY FLOOR**  
**(RR #117)**

**A.10221-A (GOTTFRIED)**

**(Departmental #127)**

**AN ACT to amend chapter 426 of the laws of 1983, amending the public health law relating to professional misconduct proceedings, in relation to the effectiveness of certain provisions thereof; to amend chapter 582 of the laws of 1984, amending the public health law relating to regulating activities of physicians, in relation to the effectiveness of certain provisions thereof...**

This bill would enact extensions of a number of sunseting programs, including provisions to authorize for an additional 5 years the continued operations of the MSSNY Committee for Physicians Health (CPH) program that expired on March 31, 2018. **The Medical Society of the State of New York supports this legislation.**

The CPH is a program designed to confront and assist physicians thought to be suffering from alcoholism, substance abuse or mental illness. Since the inception of this program, CPH has assisted thousands of physicians in returning healthy to medical practice, and routinely monitors the recovery of 450 physicians. The work of the CPH program is an important public service both to our health care system as well as the general public. As a result, the State Budget annually includes an appropriation of \$990,000 for the program, which is generated from a \$30 assessment on all physicians' biennial registration fees.

The program has traditionally been extended by the Legislature in 3 or 5 year "demonstration programs" with the most recent extension in 2013. The recently enacted State Budget did include one provision to create another "demonstration program" until 2023, but unintentionally omitted were provisions to extend other critical components of this law that are essential to its functioning that could greatly impair its operations unless immediate action is taken.

The sections that need to be extended are provisions under Public Health Law Section 230 (11)(g) that set forth the CPH program's reporting requirements to the Department of Health Office of Professional Medical Conduct (OPMC), provisions to ensure liability protections for the physician Committee members for work performed in the scope of CPH, and necessary confidentiality protections for the program given the sensitivity of the work they perform. These protections are absolutely essential to the continued functioning of the program to ensure that physicians with the appropriate expertise are willing to serve on the Committee, as well as to assure that the program has the ability to report sensitive information to OPMC when warranted by the circumstances.

It also would extend Public Health Law Section 230(15) that relates to the ability of the CPH program to receive needed grants to assist in its functioning.

Failure to extend these provisions would severely impair the functioning of the extremely valuable work being done by CPH program to assist physicians in need of these recovery services, as well as helping to protect the public. Therefore, it is imperative for the Legislature to pass legislation to extend these important provisions as outlined in this legislation. While this legislation needs a technical amendment to clarify that the effective date is indeed retroactive to March 31, it is important for this legislation to move forward.

**Based on the foregoing, the Medical Society of the State of New York supports this legislation and urges its enactment.**

Respectfully submitted,

6/11/18 – Support  
MMA

**MSSNY DIVISION OF GOVERNMENTAL AFFAIRS**