

MEDICAL SOCIETY
of the
STATE OF NEW YORK

Morris Auster, Esq.
Senior Vice President /
Chief Legislative Counsel

Division of Governmental Affairs
MEMORANDUM IN OPPOSITION

ON SENATE FLOOR

S. 6678-A (SALAZAR)

ON ASSEMBLY FLOOR

A.7991-A (SIMOTAS)

AN ACT to amend the public health law, in relation to posting information on patients' reporting rights regarding professional misconduct involving sexual harassment and assault

This legislation would amend the public health law to require all physicians to post information in their offices regarding how they can report a complaint about a physician to the Office of Professional Conduct (OPMC). It would also require the OPMC to post information on its website on how patients can file a complaint against a particular physician. **The Medical Society of the State of New York is opposed to this legislation.**

We believe this legislation is unnecessary and potentially counterproductive to patient care. Currently, if one performs an internet search of “file a complaint against a New York physician”, it brings you to the OPMC webpage describing how a complaint can be filed and the process for how such complaints are investigated: https://www.health.ny.gov/professionals/doctors/conduct/frequently_asked_questions.htm. This webpage includes important information, including phone numbers to contact the OPMC, a complaint form, what happens once a complaint is made, and whether the person filing a complaint will have to be interviewed or testify. While we do not object to additional ways for the New York State Department of Health to make such information more prominently available to the public, we are very concerned that a required readily noticeable posting in a physician’s office regarding how to file a disciplinary complaint against that physician will have the effect of undermining the trust essential to the patient-physician treatment relationship, especially if it is the first time that patient is being treated by that physician. Furthermore, it is one more way to place the physician at unnecessary risk of disciplinary or other professional sanction if the required information is not deemed to be sufficiently conspicuous, giving physicians one more reason to flee New York State, already deemed by Wallet Hub to be the worst state in the country to be a physician (<https://wallethub.com/edu/best-and-worst-states-for-doctors/11376/>).

For all the reasons above, the Medical Society of the State of New York opposes this measure and urges its defeat.

Respectfully submitted,

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS

MMA/Oppose
3/2/20