



STATE OF NEW YORK DEPARTMENT OF HEALTH

Corning Tower The Governor Nelson A. Rockefeller Empire State Plaza
Albany, New York 12237

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner

Dennis P. Whalen
Executive Deputy Commissioner

November 12, 2003

Dear Administrator:

There is no more important responsibility to me, as Commissioner of Health, than to ensure that all New Yorkers receive the very best health care possible. You are on the front line for helping me improve the quality of care for our citizens.

The New York Public Health Law requires hospitals to report professional misconduct by physicians, physician assistants and residents promptly to the Department of Health's Office of Professional Medical Conduct (OPMC). Specifically, you are required to report any information which reasonably appears to show that a licensee is guilty of professional misconduct as defined in Sections 6530 and 6531 of the New York State Education Law. As a hospital administrator, it is your duty to ensure appropriate oversight and reporting of potential cases of misconduct by physicians, physician assistants, and residents. The obligation to report is not discretionary, it is the law.

There is a common misunderstanding that if a physician is referred to the Committee for Physicians' Health (CPH) of the Medical Society of the State of New York (MSSNY), then no report of the physician's condition is required to be made to OPMC. While I strongly encourage the referral of impaired physicians to CPH for assistance, such a referral does not relieve the hospital from its reporting requirements under Section 230 of the Public Health Law.

For your convenience, a dedicated fax line is available for this purpose at (518) 473-1916. OPMC will provide a written response to all facsimiles. Failure to adhere to the provisions of the Public Health Law may result in issuance of a Statement of Deficiencies by the Bureau of Hospital and Primary Care Services and may result in professional misconduct charges.

Working together, we will ensure that all New Yorkers continue to receive the best quality health care. Your adherence to the statutory reporting requirements is one way we can all achieve that vision.

Sincerely,

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner of Health

