



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

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

Richard F. Daines, M.D.  
*Commissioner*

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September 8, 2008

Dear Physician:

On August 5, 2008, Governor Paterson signed into law his landmark legislation that will improve patient safety and help to support infection control practices. This comprehensive new law, Chapter 477 of the Laws of 2008, includes a number of new and revised requirements. I would like to specifically bring to your attention new reporting requirements for physicians in office-based surgery (OBS) settings that took effect on September 2, 2008. This reporting provision requires a physician who becomes aware that a Blood Borne Pathogen\* (BBP) may have been transmitted as a result of a procedure performed in an OBS setting, to report all requested information on the patient within one business day. *This reporting is required as of September 2, 2008.*

Specifically, the law requires all physician offices that must comply with the statutory requirements of the OBS law to report to the Patient Safety Center within the New York State Department of Health (NYSDOH), the suspected transmission of a BBP in association with **any** procedure performed by a physician in their office. The report form can be downloaded from the NYSDOH web site at: ([http://www.nyhealth.gov/professionals/office-based\\_surgery/index.htm](http://www.nyhealth.gov/professionals/office-based_surgery/index.htm)) and must be mailed (certified USPS, UPS, FedEx or other) to the NYSDOH within one business day of becoming aware of the possible transmission of a BBP. Information on completing the form and mailing instructions are available on the NYSDOH web site. Also included is a *Frequently Asked Questions* page that will soon include a separate section on this newest requirement of the law. (This web page can also be reached by going to the main DOH page <http://www.nyhealth.gov/> and clicking on the "A-Z Index" tab in the upper right corner, then click on "O" and locate "Official Office-Based Surgery".)

Sincerely yours,

John Morley, M.D.  
Medical Director  
Office of Health Systems Management

\* Blood borne pathogens – microorganisms present in blood causing disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV) and human immunodeficiency virus (HIV).