

(10) [Formerly subd. (11).] A violation of section twenty-eight hundred three-d or twenty-eight hundred five-k of the public health law.

1.1. A violation of section six thousand five hundred five-b of this chapter by a professional other than a professional subject to the provisions of paragraph (f) of subdivision one of section twenty-eight hundred five-k of the public health law.

(12) In the event that the department of environmental conservation has reported to the department alleged misconduct by an architect or professional engineer in making a certification under section nineteen of the tax law (relating to the green building tax credit) the board of regents, upon a hearing and a finding of willful misconduct, may revoke the license of such professional or prescribe such other penalty as it determines to be appropriate.

(Added L.1971, c. 987, § 2; amended L.1971, c. 994, § 3; L.1973, c. 1026, § 1; L.1975, c. 109, § 30; L.1977, c. 773, § 6; L.1980, c. 340, § 3; L.1980, c. 866, § 4; L.1983, c. 253, § 1; L.1984, c. 1005, § 14; L.1985, c. 294, §§ 11, 12; L.1986, c. 266, § 33; L.1991, c. 606, § 21; L.1992, c. 786, § 8; L.1993, c. 555, § 5; L.2000, c. 63, pt. II, § 9, eff. May 15, 2000.)

¹ So in original.

Historical and Statutory Notes

L.2000, c. 63 legislation
L.2000, c. 63, pt. II, § 10, eff. May 15, 2000, provides:

"This act shall take effect immediately and shall apply to property placed in service or that has received a final certificate of occupancy in taxable years beginning on or after January 1, 2001."

L.1992, c. 786 legislation
Amendment by L.1992, c. 786 effective Feb. 1, 1993, and provided further that the commissioners of health and education may immediately take such steps as are necessary for implementation by such date, pursuant to L.1992, c. 786, § 10, set out as a note under Public Health Law § 230-a.

L.1991, c. 606 legislation
Amendment effective July 26, 1991, and deemed applicable to cases in which no statement of charges had been served as of such date pursuant to par. (d) of subd. 10 of Public Health Law § 230, unless the parties in a then pending case consent to proceedings under this Act [L.1991, c. 606], pursuant to L.1991, c. 606, § 32, set out as a note under Public Health Law § 230.

L.1984, c. 1005 legislation

For effective date of amendment, see L.1984, c. 1005, § 19, set out as a note under Public Health Law § 230.

L.1975, c. 109 legislation

L.1975, c. 109, § 37, provided the amendment to this section shall be effective Sept. 1, 1975, and that it shall not apply to complaints or proceedings then pending in the state Department of Education.

Derivation

Former sections 6513, 6514, 6561, 6612, 6711, 6823, 6910, 7010, 7108, 7111, 7127, 7211, 7309, 7328, 7408, 7607, and 7707. Section 6513 was added L.1947, c. 820; and amended L.1950, c. 553, § 1; L.1964, c. 937, § 1; L.1968, c. 659, § 1; L.1970, c. 596, § 1. Section 6514 was added L.1947, c. 820; and amended L.1951, c. 402, § 4; L.1953, c. 682, § 1; L.1954, c. 207, § 1; L.1961, c. 631, § 1; L.1962, c. 94, § 1; L.1967, c.

680, § 22. Section 6561 was added L.1963, c. 780, § 1; and amended L.1963, c. 781, § 6. Section 6612 was added L.1947, c. 820; and amended L.1949, c. 687, § 74; L.1950, c. 564, §§ 3, 4; L.1951, c. 402, §§ 7 to 9; L.1956, c. 247, § 1; L.1962, c. 310, § 120; L.1970, c. 1010, § 1. Section 6711 was added L.1947, c. 820; and amended L.1962, c. 310, § 122. Section 6823 was added L.1947, c. 820; and amended L.1953, c. 457, § 1; L.1963, c. 249, § 1; L.1967, c. 680, § 26. Section 6910 was added L.1947, c. 820; and amended L.1965, c. 981, § 1. Section 7010 was added L.1947, c. 820; and amended L.1951, c. 402, § 16. Section 7108 was added L.1947, c. 820; and amended L.1951, c. 402, § 22. Section 7111 was added L.1947, c. 820; and amended L.1951, c. 530, § 1. Section 7127, formerly § 7126, was added L.1947, c. 820; and renumbered § 7127.

Legislative Histories

L.1991, c. 606: For memorandum of the State Executive Department, see McKinney's 1991 Session Laws of New York, p. 2077.

L.1985, c. 294: For memorandum of the State Executive Department, see McKinney's 1985 Session Laws of New York, p. 3019.

Cross References

Abuse, mistreatment or neglect of persons receiving care or services of a residential health facility as professional misconduct, see Public Health Law § 2803-d.

Crime defined, see Penal Law § 10.00.

Fee splitting in certain cases as professional misconduct, see Education Law § 6509-a.

Fraud, deceit or misrepresentation in advertising of—
Ophthalmic dispensing services as a class A misdemeanor, see Education Law § 7126.

Optometric services as a class A misdemeanor, see Education Law § 7106.

Proceedings in cases of professional misconduct—

Generally, see Education Law § 6510.

Cases involving the medical profession, see Public Health Law § 230.

New York Codes, Rules and Regulations

Unprofessional conduct, generally, see 8 NYCRR 29.1 et seq.

West's McKinney's Forms

The following forms appear in Selected Consolidated Laws under Education Law § 6509:

Notice of petition in article 78 proceeding to annul determination of guilt for practicing dentistry fraudulently and for committing professional misconduct; see SCL, EDUC § 6509, Form 1.

L.1951, c. 569, § 33. Section 7211 was added L.1947, c. 820; and amended L.1949, c. 687, § 84; L.1951, c. 402, § 26. Section 7309 was added L.1947, c. 820; and amended L.1951, c. 402, § 30. Section 7328 was added L.1960, c. 1082. Section 7408 was added L.1947, c. 820; and amended L.1952, c. 706, § 1; L.1959, c. 718, § 1; L.1960, c. 332, §§ 3, 4. Section 7607 was added L.1956, c. 737, § 1. Section 7707 was added L.1965, c. 334, § 1. Sections 6513, 6514, 6561, 6612, 6711, 6823, 6910, 7010, 7108, 7111, 7127, 7211, 7309, 7328, 7408, 7607, and 7707 were repealed by L.1971, c. 987, § 1.

Former Sections

Former § 6509, L.1947, c. 820; amended L.1951, c. 569, § 3; L.1960, c. 117, § 1, which related to medical licenses, was repealed by L.1971, c. 987, § 1. See Education Law §§ 6524 and 6534.

ing that acts upon which physician's Connecticut conviction was based, if committed in New York would have constituted crime under New York law; elements of New York statute, unlike Connecticut statute, prohibited conduct which created "substantial" risk of "serious" physical injury. *Dragan v. Commissioner of Educ.* (3 Dept. 1988) 142 A.D.2d 846, 530 N.Y.S.2d 896.

An order of Commissioner of Education revoking license to practice podiatry upon proof of conviction of a felony in New Jersey was not erroneous on ground that order constituted enforcement of criminal law of another state. In re *Schacht* (3 Dept. 1964) 20 A.D.2d 507, 248 N.Y.S.2d 65, appeal denied 14 N.Y.2d 485, 251 N.Y.S.2d 1025, 200 N.E.2d 219.

Subdivision 2(b) of former section 6514 [now this section], authorizing disciplinary action against licensed doctor who has been convicted of crime is not ambiguous and words "within or without the state" as used in section presumably mean what they say, and crime "without the state" is not limited to that which would constitute crime within state. *Miller v. Board of Regents of University of State of N.Y.* (3 Dept. 1952) 279 A.D. 447, 111 N.Y.S.2d 393, appeal granted 279 A.D. 1101, 112 N.Y.S.2d 780, appeal affirmed 305 N.Y. 89, 111 N.E.2d 222, reargument denied 305 N.Y. 691, 112 N.E.2d 773, affirmed 74 S.Ct. 650, 347 U.S. 442, 98 L.Ed. 829.

17. — Gambling, criminal acts

Nurse's conviction of possession of gambling records warranted suspension of license to practice nursing for one year, notwithstanding issuance of certificate for relief from disabilities. *Pietraro v. Ambach* (3 Dept. 1981) 82 A.D.2d 25, 442 N.Y.S.2d 827, affirmed 55 N.Y.2d 861, 447 N.Y.S.2d 924, 432 E.2d 796.

18. — Larceny, criminal acts

Convictions for larceny in state court and wire fraud in federal court are sufficient to support finding that physician is guilty of professional misconduct, warranting suspension of physician's license to practice medicine for one year. *Gor-*

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don v. Commissioner of Educ. (3 Dept. 1988) 144 A.D.2d 839, 534 N.Y.S.2d 576.

In proceeding on petition to revoke psychiatrist's license to practice medicine, such psychiatrist, who had been convicted of third-degree grand larceny and offering a false instrument for filing in first degree, could be found guilty of misconduct even though an appeal of the judgment of conviction was pending. *Kirsch v. Board of Regents of University of State of N.Y.* (3 Dept. 1980) 79 A.D.2d 823, 435 N.Y.S.2d 151, appeal denied 53 N.Y.2d 602, 439 N.Y.S.2d 1025, 421 N.E.2d 852, appeal dismissed 53 N.Y.2d 795, 439 N.Y.S.2d 1031, 422 N.E.2d 597.

39. — Moral turpitude, criminal acts

Under former section 6514 [now this section], the word "crime" includes misdemeanors as well as felonies but said subdivision does not have implied qualification that, to justify professional discipline, the crime must be one involving moral turpitude. *Barsky v. Board of Regents of University of New York*, 1953, 305 N.Y. 89, 111 N.E.2d 222, reargument denied 305 N.Y. 691, 112 N.E.2d 773, affirmed 74 S.Ct. 650, 347 U.S. 442, 98 L.Ed. 829.

Upon issue whether conviction of crime bears relation to practice of medicine and involves moral turpitude which would authorize disciplinary action against licensed doctor, conviction for any crime bears some relation to practice of any profession, and moral turpitude depends upon point of view and existing circumstances. *Miller v. Board of Regents of University of State of N.Y.* (3 Dept. 1952) 279 A.D. 447, 111 N.Y.S.2d 393, appeal granted 279 A.D. 1101, 112 N.Y.S.2d 780, appeal granted 279 A.D. 1101, 112 N.Y.S.2d 780, N.Y.S.2d 781, affirmed 305 N.Y. 89, 111 N.E.2d 222, reargument denied 305 N.Y. 691, 112 N.E.2d 773, affirmed 74 S.Ct. 650, 347 U.S. 442, 98 L.Ed. 829.

40. — Subpoenas, criminal acts

Federal misdemeanor, consisting of failure to produce subpoenaed papers before congressional committee, was a "crime" within former section 6514 authorizing disciplinary action against physicians upon conviction of crime. *Barsky v. Board of Regents of University,*

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U.S.N.Y.1954, 74 S.Ct. 650, 347 U.S. 442, 98 L.Ed. 829.

41. — Tax offenses, criminal acts

Physician was convicted of crime of income tax evasion, which provided basis for finding of misconduct and for Education Commissioner's exercise of discretionary power to impose penalty. *Wolf v. Ambach* (3 Dept. 1983) 95 A.D.2d 877, 464 N.Y.S.2d 244.

§ 6509-a. Additional definition of professional misconduct; limited application

Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of articles one hundred thirty-two, one hundred thirty-three, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-nine, one hundred forty-one, one hundred forty-three, one hundred forty-four, one hundred fifty-six, one hundred fifty-nine and one hundred sixty-four of this chapter may be revoked, suspended or annulled or such person may be subject to any other penalty provided in section sixty-five hundred eleven of this article in accordance with the provisions and procedure of this article for the following:

That any person subject to the above enumerated articles, has directly or indirectly requested, received or participated in the division, transference, assignment, rebate, splitting or refunding of a fee for, or has directly requested, received or profited by means of a credit or other valuable consideration as a commission, discount or gratuity in connection with the furnishing of professional care, or service, including x-ray examination and treatment, or for or in connection with the sale, rental, supplying or furnishing of clinical laboratory services or supplies, x-ray laboratory services or supplies, inhalation therapy service or equipment, ambulance service, hospital or medical supplies, physiotherapy or other therapeutic service or equipment, artificial limbs, teeth or eyes, orthopedic or surgical appliances or supplies, optical appliances, supplies or equipment, devices for aid of hearing, drugs, medication or medical supplies or any other goods, services or supplies prescribed for medical diagnosis, care or treatment under this chapter, except payment, not to exceed thirty-three and one-third per centum of any fee received for x-ray examination, diagnosis or treatment, to any hospital furnishing facilities for such examination, diagnosis or treatment. Nothing contained in this section shall prohibit such persons from practicing as partners, in groups or as a professional corporation or as a university faculty practice corporation nor from pooling fees and

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Evidence sustained order revoking a license to practice pharmacy on ground that petitioner was convicted of crimes of felony grade in violating former Internal Revenue Code, 26 U.S.C.A. Int.Rev.Code, § 2554 [I.R.C.1954]. *Gawwin v. Board of Regents of University of New York* (3 Dept. 1944) 267 A.D. 1027, 48 N.Y.S.2d 191, appeal denied 268 A.D. 805, 49 N.Y.S.2d 421.

moneys received, either by the partnerships, professional corporations, university faculty practice corporations or groups by the individual members thereof, for professional services furnished by any individual professional member, or employee of such partnership, corporation or group, nor shall the professionals constituting the partnerships, corporations or groups be prohibited from sharing, dividing or apportioning the fees and moneys received by them or by the partnership, corporation or group in accordance with a partnership or other agreement; provided that no such practice as partners, corporations or in groups or pooling of fees or moneys received or shared, division or apportionment of fees shall be permitted with respect to care and treatment under the workers' compensation law except as expressly authorized by the workers' compensation law. Nothing contained in this chapter shall prohibit a medical or dental expense indemnity corporation pursuant to its contract with the subscriber from prorationing a medical or dental expense indemnity allowance among two or more professionals in proportion to the services rendered by each such professional at the request of the subscriber, provided that prior to payment thereof such professionals shall submit both to the medical or dental expense indemnity corporation and to the subscriber statements itemizing the services rendered by each such professional and the charges therefor.

(Added L.1977, c. 770, § 6; amended L.1991, c. 606, § 22; L.1992, c. 817, § 2; L.1993, c. 555, § 6.)

Historical and Statutory Notes

L.1991, c. 606 legislation

Amendment effective July 26, 1991, and deemed applicable to cases in which no statement of charges had been served as of such date pursuant to par. (d) of subd. 10 of Public Health Law § 230, unless the parties in a then pending case consent to proceedings under this Act [L.1991, c. 606], pursuant to L.1991, c. 606, § 32, set out as a note under Public Health Law § 230.

Legislative Histories

L.1991, c. 606: For memorandum of the State Executive Department, see McKinney's 1991 Session Laws of New York, p. 2077.

Cross References

Fee-splitting, etc.—

Chiropractors rendering care in workers' compensation cases a misdemeanor, see Workers' Compensation Law § 13-l.

Podiatrists rendering care in workers' compensation cases a misdemeanor, see Workers' Compensation Law § 13-k.

Proceedings in cases of professional misconduct—
Generally, see Education Law § 6510.

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New York Codes, Rules and Regulations

Unprofessional conduct, generally, see 8 NYCRR 29.1 et seq.

American Law Reports

Physician's or other healer's conduct in connection with defense of or resistance to malpractice action as ground for revocation of license or other disciplinary action. 44 ALR4th 248.

Law Review and Journal Commentaries

Should patients and insurers pay for professional misconduct? Francis J. Serbati. 214 N.Y.L.J. 3, No. 17 (July 26, 1995).

Library References

American Digest System

Physicians and Surgeons ☞10.

Encyclopedias

12 NY Jur 2d, Businesses and Occupations §§ 62, 68, 70.

C.J.S. Physicians, Surgeons, and other Health-Care Providers §§ 53, 57.

WESTLAW Research

In a caselaw database, run TO(299) or 299k[add key number] to retrieve cases related to Physicians and Surgeons.

Notes of Decisions

Actions to recover fees 4

295 N.Y. 101, 65 N.E.2d 184, motion denied 295 N.Y. 821, 66 N.E.2d 590.

Construction and application 1

Purpose 2

Retroactive effect 3

Whether plaintiff's breach of contract claim in connection with alleged express oral contract was severable from illegal portions of agreement, whereby plaintiff agreed to live with defendant and hold herself out as his wife, care for their children and assist in management and administration of defendant's dental practice, presented triable issues of fact, precluding summary judgment, where plaintiff, as a nonprofessional employee in defendant's dental practice, could be found to be less culpable than defendant and thus would not necessarily be precluded from recovery for services rendered in connection with dental practice by statutory prohibition against fee splitting. *Artache v. Goldin* (2 Dept. 1987) 133 A.D.2d 596, 519 N.Y.S.2d 702.

Testimony by operator of abortion advisory and referral service that she solicited patients exclusively for particular physician and that remuneration she received was essentially dependent on the number of patients referred was sufficient to sustain charges, in proceedings for suspen-

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1. Construction and application

Conduct by which, after a professional man has been licensed by state, he enters into a partnership in his professional work with a layman, by terms of which he divides with the layman, on a percentage basis, payments made by client or patient for professional services rendered, is known as a matter of common knowledge to be improper and unprofessional. *Bell v. Board of Regents of University of State of New York*, 1946, 295 N.Y. 101, 65 N.E.2d 184, motion denied 295 N.Y. 821, 66 N.E.2d 590.

Dentist's payment of commission on fees realized from patients procured by a solicitor, who was not duly registered to practice dentistry, constituted "unprofessional conduct" authorizing suspension of license. *Bell v. Board of Regents of University of State of New York*, 1946.

ician's license, of fraudulent medicine and improper referral splitting. *Okereke v. State* (3) 129 A.D.2d 373, 518 0, appeal denied 70 N.Y.2d Y.S.2d 495, 518 N.E.2d 6.

nt that independent psychia- of his fees to medical corpo- barred from admission to e does not constitute sharing mplied by statute permit- ing among fellow physicians ily enter into a professional Hauptman v. Grand Manor ted Facility, Inc. (1 Dept. A.D.2d 151, 502 N.Y.S.2d

arge that licensed dentist ith unlicensed person had hed by evidence in proceed- board of Regents. *Popper v. ents of University of State of t. 1966*) 26 A.D.2d 871, 274

icensed dentist in entering al arrangement with an un- vidual to supply his dental fixed weekly remuneration or indirectly and knowingly or charges with the unli- a clearly constituted unpro- duct. *Popper v. Board of iversity of State of N. Y.* (3 6 A.D.2d 871, 274 N.Y.S.2d

proscribing fee-splitting by ionals was intended to reg- facilities supported by New adicaid assistance funds; it arily meant to benefit con- dical services generally or h maintenance organiza- h v. Health Ins. Plan of York, 1983, 573 F.Supp.

on fee splitting is particu- raint members of medical also prohibits payments in erring client to physicians. tion Information Agency, 1971) 37 A.D.2d 142, 330 affirmed 30 N.Y.2d 779, 74, 285 N.E.2d 317.

3. Retroactive effect

Management agreement was unen- forceable as violative of prohibition against fee-splitting arrangements, even though agreement was executed prior to effective date of McKinney's Education Law § 6509-a, proscribing fee-splitting. *Baliotti v. Walkes* (2 Dept. 1985) 115 A.D.2d 581, 496 N.Y.S.2d 242, appeal dismissed 68 N.Y.2d 664, 505 N.Y.S.2d 1028, 496 N.E.2d 241.

4. Actions to recover fees

Cardiologist, who provided services to hospital as member of noninvasive cardi- ology laboratory panel, was not entitled to recover the difference between the hos- pital's billing rate for his services and the contract rate for those services, under theory of quasi contract, since the con- tractual fee arrangement did not consti- tute an illegal kickback or improper fee splitting. *Zador v. Millard Fillmore Hosp.* (4 Dept. 1999) 261 A.D.2d 876, 689 N.Y.S.2d 816, leave to appeal denied 93 N.Y.2d 816, 697 N.Y.S.2d 563, 719 N.E.2d 924.

By tendering a percentage of patient fees to landlords, dentist violated Edu- cation Law, Rules for Professional Con- duct, and Code of Ethics of the Dental Society prohibiting fee splitting; there- fore, dentist was not entitled to assert, as a counterclaim in landlord's action for breach of oral contract relating to rental of dental facilities, a claim for unjust en- richment. *Sachs v. Saloshun* (2 Dept. 1988) 138 A.D.2d 586, 526 N.Y.S.2d 168.

Nonprofessional medical technicians who had entered into illegal fee-splitting arrangement with medical doctor, were not precluded from recovering from doc- tor under theory of unjust enrichment. *Katz v. Zuckermann* (2 Dept. 1986) 119 A.D.2d 732, 501 N.Y.S.2d 144.

Assuming allegations in complaint were true, cause of action of corporation which provided medical, dental and pro- fessional services to public by firing med- ical, dental and other professional per- sonnel to whom patients were assigned and received 30% of fee collected by phy- sicians was founded upon illegal contract, where corporation, which was not li- censed to practice medicine and could not have patients, sought injunction and money damages based upon such fee-

splitting arrangement. *United Calendar Mfg. Corp. v. Huang* (2 Dept. 1983) 94 A.D.2d 176, 463 N.Y.S.2d 497.

§ 6509-b. Additional definition of professional misconduct; ar- rears in payment of support; limited application

1. The provisions of this section shall apply in all cases of licensee or registrant arrears in payment of child support or combined child and spousal support referred to the board of regents by a court pursuant to the requirements of section two hundred forty-four-c of the domestic relations law or pursuant to section four hundred fifty-eight-b of the family court act.

2. Upon receipt of an order from the court pursuant to one of the foregoing provisions of law, the board of regents, if it finds such person to be so licensed or registered, shall within thirty days of receipt of such order from the court, provide notice to the licensee or registrant of, and cause the regents review committee to initiate, a hearing which shall be held at least twenty days and no more than thirty days after the sending of such notice to the licensee or registrant. The hearing shall be held solely for the purpose of determining whether there exists as of the date of the hearing proof that full payment of all arrears of support established by the order of the court to be due from the licensee or registrant have been paid. Proof of such payment shall be a certified check showing full pay- ment of established arrears or a notice issued by the court or by the support collection unit where the order is payable to the support collection unit designated by the appropriate social services district. Such notice shall state that full payment of all arrears of support established by the order of the court to be due have been paid. The licensee or registrant shall be given full opportunity to present such proof of payment at the hearing in person or by counsel. The only issue to be determined by the regents review committee as a result of the hearing is whether the arrears have been paid. No evidence with respect to the appropriateness of the court order or ability of the respondent party in arrears to comply with such order shall be received or considered by the committee.

3. Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of this title and/or subject to the provisions of title two-A of article two of the public health law shall be suspended if, at the hearing provided for by subdivision two of this section, the licensee or registrant fails to present proof of payment as required by such subdivision. Such suspension shall not be lifted unless the court or the support collection unit, where the court order

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is payable to the support collection unit designated by the appropriate social services district, issues notice to the regents review committee that full payment of all arrears of support established by the order of the court to be due have been paid.

4. The board of regents shall inform the court of all actions taken hereunder as required by law.

5. This section applies to support obligations paid pursuant to any order of child support or child and spousal support issued under provisions of article three-A or section two hundred thirty-six or two hundred forty of the domestic relations law, or article four, five or five-A of the family court act.

6. Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the provisions of this section shall apply to the exclusion of any other requirements of this article and to the exclusion of any other requirement of law to the contrary.

Added L.1995, c. 81, § 219.)

Historical and Statutory Notes

L.1995, c. 81 legislation

Section effective July 1, 1995, pursuant to L.1995, c. 81, § 246(3-a).

Cross References

Admission to and removal from practice by appellate division, character committee, see Judiciary Law § 90.

Enforcement of arrears, suspensions of state professional and business licenses—Compliance with support orders, see Family Court Act § 458-b.

Provisions applicable to more than one type of matrimonial action, see Domestic Relations Law § 244-c.

Enforcement of money judgment or order, see CPLR 5101.

Parents' duty to support child, see Family Court Act § 413.

Procedure for revocation, cancellation or suspension of licenses—

Liquor licenses or permits, see Alcoholic Beverage Control Law § 119.

Real estate brokers and salesmen, see Real Property Law § 441-c.

Required statement in applications for licenses to conduct occupations, fulfillment of child support obligations, see General Obligations Law § 3-503.

§ 6509-c. Additional definition of professional misconduct; failure to comply in paternity or child support proceedings; limited application

1. The provisions of this section shall apply in all cases of licensee or registrant failure after receiving appropriate notice, to comply

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with a summons, subpoena or warrant relating to a paternity or child support proceeding referred to the board of regents by a court pursuant to the requirements of section two hundred forty-four-c of the domestic relations law or pursuant to section four hundred fifty-eight-b or five hundred forty-eight-b of the family court act.

2. Upon receipt of an order from the court pursuant to one of the foregoing provisions of law, the board of regents, if it finds such person to be so licensed or registered, shall within thirty days of receipt of such order from the court, provide notice to the licensee or registrant that his or her license or registration shall be suspended in sixty days unless the conditions as set forth in subdivision three of this section are met.

3. Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the license or registration of a person subject to the provisions of this title and/or subject to the provisions of title two-A of article two of the public health law shall be suspended unless the court terminates its order to commence suspension proceedings. Such suspension shall not be lifted unless the court issues an order to the board of regents terminating its order to commence suspension proceedings.

4. The board of regents shall inform the court of all actions taken hereunder as required by law.

5. This section applies to paternity or child support proceedings commenced under, and support obligations paid pursuant to any order of child support or child and spousal support issued under provisions of section two hundred thirty-six or two hundred forty of the domestic relations law, or article four, five, five-A or five-B of the family court act.

6. Notwithstanding any inconsistent provision of this article or of any other provision of law to the contrary, the provisions of this section shall apply to the exclusion of any other requirements of this article and to the exclusion of any other requirement of law to the contrary.

(Added L.1997, c. 398, § 122, eff. Jan. 1, 1998.)

Historical and Statutory Notes

L.1997, c. 398 legislation

L.1997, c. 398, §§ 1, 147, 148, and 149,

describe the legislative findings and declaration, regulatory authority, severability provisions, and the effective date of L.1997, c. 398. See the Historical and Statutory Notes under Labor Law § 537.

Legislative Histories

L.1997, c. 398: For Legislative, Executive or Judicial memorandum relating to this law, see McKinney's 1997 Session Laws of New York pp. 1939, 2391.

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