

3296

2011-2012 Regular Sessions

I N   S E N A T E

February 15, 2011

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Introduced by Sens. DeFRANCISCO, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to enacting the "patient privacy protection act"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "patient privacy protection act".

3     S 2. Section 3102 of the civil practice law and rules is amended by  
4     adding a new subdivision (c-1) to read as follows:

5     (C-1) EX-PARTE INTERVIEWS. IN ANY ACTION INVOLVING PERSONAL INJURY,  
6     MEDICAL, DENTAL, OR PODIATRIC MALPRACTICE OR WRONGFUL DEATH, NO PARTY OR  
7     ANYONE ACTING ON BEHALF OF A PARTY MAY EITHER DIRECTLY OR INDIRECTLY  
8     CONDUCT EX-PARTE INTERVIEWS WITH THE TREATING PHYSICIANS OR OTHER HEALTH  
9     CARE PROVIDERS OF ANY OTHER PARTY. NOTHING IN THIS SUBDIVISION SHALL  
10    PROHIBIT AN ATTORNEY OR THE AGENT OR EMPLOYEE OF AN ATTORNEY WHO REPRESENTS  
11    THE PATIENT, THE ESTATE OF THE PATIENT, OR THE NATURAL OR DULY  
12    APPOINTED GUARDIAN OF THE PATIENT WHOSE CONDITION IS AT ISSUE IN THE  
13    ACTION FROM CONDUCTING EX-PARTE CONVERSATIONS WITH A TREATING PHYSICIAN  
14    OR OTHER HEALTH CARE PROVIDER OF THE PATIENT.

15    S 3. This act shall take effect immediately and shall apply to all  
16    actions involving personal injury, medical, dental or podiatric malpractice  
17    or wrongful death that are currently pending or are filed on or  
18    after such date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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