S T A T E   O F   N E W   Y O R K

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                                7008--A

    Cal. No. 548

                              I N   S E N A T E

                             April 11, 2014
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    Introduced by Sen. GOLDEN -- read twice and ordered printed, and when
      printed to be committed to the Committee on Cities -- reported favora-
      bly from said committee, ordered to first and second report, ordered
      to a third reading, amended and ordered reprinted, retaining its place
      in the order of third reading

    AN ACT to amend the administrative code of the city of New York and the
      general municipal law, in relation to patient protected health infor-
      mation

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

 1   Section 1. The administrative code of the city of New York is amended
 2 by adding a new section 15-130 to read as follows:
 3   S 15-130 PROHIBITING THE SALE OF PATIENT PROTECTED HEALTH INFORMATION.
 4 THE   DEPARTMENT   SHALL NOT OFFER FOR SALE, SELL, OR OTHERWISE DISTRIBUTE
 5 PATIENT PROTECTED HEALTH INFORMATION EXCEPT UPON EXPRESS WRITTEN AUTHOR-
 6 IZATION BY SUCH PATIENTS. SUCH DISCLOSURE AND CONSUMER CONSENT SHALL BE
 7 GIVEN IN A SEPARATE, STAND-ALONE DOCUMENT AND CONSENT SHALL BE LIMITED
 8 TO   THE   PARTICULAR   USE OR TRANSACTION FOR WHICH CONSENT IS GIVEN. THE
 9 PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PATIENT INFORMATION TRANS-
10 MITTED TO AN INSURANCE CARRIER NECESSARY TO PROCESS INSURANCE CLAIMS.
11   S 2. The general municipal law is amended by adding a new section
12 122-a to read as follows:
13   S 122-A. PROHIBITING THE SALE OF PATIENT PROTECTED HEALTH INFORMATION.
14 NO   EMERGENCY   SERVICE PROVIDER SHALL OFFER FOR SALE, SELL, OR OTHERWISE
15 DISTRIBUTE PATIENT PROTECTED HEALTH INFORMATION EXCEPT UPON EXPRESS
16 WRITTEN AUTHORIZATION BY SUCH PATIENTS. SUCH DISCLOSURE AND CONSUMER
17 CONSENT SHALL BE GIVEN IN A SEPARATE, STAND-ALONE DOCUMENT AND CONSENT
18 SHALL BE LIMITED TO THE PARTICULAR USE OR TRANSACTION FOR WHICH CONSENT
19 IS GIVEN. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PATIENT
20 INFORMATION TRANSMITTED TO AN INSURANCE CARRIER NECESSARY TO PROCESS
21 INSURANCE CLAIMS.
22   S 3. This act shall take effect immediately.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                        [ ] is old law to be omitted.
                                                        LBD14287-06-4