

STATE OF NEW YORK

6437

2019-2020 Regular Sessions

IN SENATE

June 11, 2019

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the New York city charter, the mental hygiene law and the public health law in relation to access to medical and psychiatric records of deceased inmates by the board of correction of the city of New York

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph 2 of subdivision c of section 626 of the New York
2 city charter, as amended by a vote of the people of the city of New York
3 at the general election held in November of 1975, is amended to read as
4 follows:

5 2. (i) The inspection of all books, records, documents, and papers of
6 the department; and

7 (ii) The inspection of medical or psychiatric records of any health
8 care provider that treated an inmate when the board has requested such
9 information with respect to the death of such person, provided:

10 (A) records from a federally assisted alcohol or drug abuse program
11 may be disclosed only to the extent permitted by applicable federal law;

12 (B) with respect to records subject to section 33.13 of the mental
13 hygiene law, any limitation on the release thereof imposed by law upon
14 the party furnishing the information, books, records or data shall apply
15 to the board; and

16 (C) any confidential HIV-related information shall only be made avail-
17 able to and received and retained by the board to the extent relevant
18 and necessary to accomplish the mandates of the board, and shall be made
19 available in a manner consistent with regulations issued by the state
20 commission on correction to govern the receipt, use, retention and
21 redisclosure of such information by the state commission. The board
22 shall promulgate regulations establishing criteria for determining which

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

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1 employees and agents may, in the ordinary course of business of the
2 board, be authorized to access confidential HIV-related information;

3 § 2. Paragraph 5 of subdivision (c) of section 33.13 of the mental
4 hygiene law, as amended by chapter 912 of the laws of 1984, is amended
5 to read as follows:

6 5. to the medical review board of the state commission of correction
7 or the board of correction of the city of New York when such board has
8 requested such information with respect to the death of a named person,
9 or, with the consent of a patient or client when such board has
10 requested information about the patient or client providing that such
11 board requires such information in the exercise of its statutory func-
12 tions, powers and duties. Information, books, records or data which are
13 confidential as provided by law shall be kept confidential by the
14 commission and any limitation on the release thereof imposed by law upon
15 the party furnishing the information, books, records or data shall apply
16 to the medical review board of the state commission or the board of
17 correction of the city of New York.

18 § 3. Paragraphs (n) and (o) of subdivision 1 of section 2782 of the
19 public health law, as added by chapter 584 of the laws of 1988, are
20 amended to read as follows:

21 (n) a medical director of a local correctional facility as defined in
22 section forty of the correction law, in accordance with paragraph (a) of
23 subdivision two of section twenty-seven hundred eighty-six of this arti-
24 cle, to the extent the medical director is authorized to access records
25 containing such information in order to carry out his or her functions,
26 powers and duties with respect to the protected individual; ~~or~~

27 (o) an employee or agent of the commission of correction, in accord-
28 ance with paragraph (a) of subdivision two of section twenty-seven
29 hundred eighty-six of this article, to the extent the employee or agent
30 is authorized to access records containing such information in order to
31 carry out the commission's functions, powers and duties with respect to
32 the protected individual, pursuant to article three of the correction
33 law~~[-]~~, or an employee or agent of the board of correction of the city
34 of New York, to the extent the employee or agent is authorized to access
35 records containing such information in order to carry out the board's
36 functions, powers and duties, when such board has requested such infor-
37 mation with respect to the death of a named person;

38 § 4. This act shall take effect immediately.