

STATE OF NEW YORK

1941

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by M. of A. WALKER -- read once and referred to the Committee on Codes

AN ACT to amend 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 5 of subdivision (c) of section 33.13 of the
2 mental hygiene law, as amended by a chapter of the laws of 2020 amending
3 the mental hygiene law and the public health law relating to access to
4 medical and psychiatric records of deceased inmates by the board of
5 correction of the city of New York, as proposed in legislative bills
6 numbers S. 6437-A and A. 8337-B, is amended to read as follows:

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

20 § 2. Subdivision (c) of section 33.13 of the mental hygiene law is
21 amended by adding a new paragraph 18 to read as follows:

22 18. to the board of correction of the city of New York when such board
23 has requested such information with respect to the death of a named
24 person, or, with the consent of a patient or client when such board has

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

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1 requested information about the patient or client providing that such
2 board requires such information in the exercise of its functions, powers
3 and duties. Information, books, records or data which are confidential
4 as provided by law shall be kept confidential by the board of correction
5 of the city of New York and any limitation on the release thereof
6 imposed by law upon the party furnishing the information, books, records
7 or data shall apply to the board of correction of the city of New York.

8 § 3. Paragraph (o) of subdivision 1 of section 2782 of the public
9 health law, as amended by a chapter of the laws of 2020 amending the
10 mental hygiene law and the public health law relating to access to
11 medical and psychiatric records of deceased inmates by the board of
12 correction of the city of New York, as proposed in legislative bills
13 numbers S. 6437-A and A. 8337-B, are amended to read as follows:

14 (o) an employee or agent of the commission of correction [~~or the board~~
15 ~~of correction of the city of New York~~], in accordance with paragraph (a)
16 of subdivision two of section twenty-seven hundred eighty-six of this
17 article, to the extent the employee or agent is authorized to access
18 records containing such information in order to carry out the commis-
19 sion's functions, powers and duties with respect to the protected indi-
20 vidual, pursuant to article three of the correction law;

21 § 4. Subdivision 1 of section 2782 of the public health law is amended
22 by adding a new paragraph (s) to read as follows:

23 (s) an employee or agent of the board of correction of the city of New
24 York, in accordance with paragraph (a) of subdivision two of section
25 twenty-seven hundred eighty-six of this article, to the extent the
26 employee or agent is authorized to access records containing such infor-
27 mation in order to carry out the board's functions, powers and duties
28 with respect to the protected individual, pursuant to the charter of the
29 city of New York.

30 § 5. This act shall take effect on the same date and in the same
31 manner as a chapter of the laws of 2020 amending the mental hygiene law
32 and the public health law relating to access to medical and psychiatric
33 records of deceased inmates by the board of correction of the city of
34 New York, as proposed in legislative bills numbers S. 6437-A and A.
35 8337-B takes effect.