

# STATE OF NEW YORK

1082

2025-2026 Regular Sessions

## IN ASSEMBLY

January 8, 2025

Introduced by M. of A. LUNSFORD -- read once and referred to the Committee on Health

AN ACT to amend the public health law, the mental hygiene law and the insurance law, in relation to utilization review agents access to electronic medical records

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

1 Section 1. Section 2803 of the public health law is amended by adding  
2 a new subdivision 15 to read as follows:

3 15. The commissioner shall require every general hospital and every  
4 clinic licensed pursuant to this article to adopt a process by which  
5 access to electronic medical records are provided to utilization review  
6 agents for purposes of article forty-nine of this chapter and article  
7 forty-nine of the insurance law. Nothing contained herein shall prohibit  
8 a health care plan from entering into an agreement with a health care  
9 provider for the transmission of electronic medical records pursuant to  
10 this subdivision.

11 § 2. Paragraph (g) of subdivision 1 of section 4902 of the public  
12 health law, as added by chapter 705 of the laws of 1996, is amended to  
13 read as follows:

14 (g) Establishment of appropriate policies and procedures to ensure  
15 that all applicable state and federal laws to protect the confidentiali-  
16 ty of individual medical records, including electronic medical records,  
17 are followed;

18 § 3. Subdivision 7 of section 4905 of the public health law, as  
19 amended by section 6 of subpart C of part AA of chapter 57 of the laws  
20 of 2022, is amended to read as follows:

21 7. When making prospective, concurrent and retrospective determi-  
22 nations, utilization review agents shall collect only such information  
23 as is necessary to make such determination and shall not routinely  
24 require health care providers to numerically code diagnoses or proce-

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

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1 dures to be considered for certification or routinely request copies of  
2 medical records of all patients reviewed. During prospective or concur-  
3 rent review, copies of medical records shall only be required when  
4 necessary to verify that the health care services subject to such review  
5 are medically necessary. In such cases, only the necessary or relevant  
6 sections of the medical record shall be required. A utilization review  
7 agent may request copies of partial or complete medical records retros-  
8 pectively. Medical records requested by utilization review agents for  
9 purposes of this subdivision shall be made available electronically by  
10 health care providers pursuant to subdivision fifteen of section twen-  
11 ty-eight hundred three of this chapter and subdivision (f) of section  
12 31.04 of the mental hygiene law.

13 § 4. Section 31.04 of the mental hygiene law is amended by adding a  
14 new subdivision (f) to read as follows:

15 (f) The commissioner, in consultation with the commissioner of health  
16 shall require every clinic licensed pursuant to this article to adopt a  
17 process by which access to electronic medical records are provided to  
18 utilization review agents for purposes of article forty-nine of the  
19 public health law and article forty-nine of the insurance law. Nothing  
20 contained herein shall prohibit a health care plan from entering into an  
21 agreement with a clinic licensed pursuant to this article for the trans-  
22 mission of electronic medical records pursuant to this subdivision.

23 § 5. Paragraph 7 of subsection (a) of section 4902 of the insurance  
24 law, as added by chapter 705 of the laws of 1996, is amended to read as  
25 follows:

26 (7) Establishment of appropriate policies and procedures to ensure  
27 that all applicable state and federal laws to protect the confidentiali-  
28 ty of individual medical records, including electronic medical records,  
29 are followed;

30 § 6. Subsection (g) of section 4905 of the insurance law, as amended  
31 by section 5 of subpart C of part AA of chapter 57 of the laws of 2022,  
32 is amended to read as follows:

33 (g) When making prospective, concurrent and retrospective determi-  
34 nations, utilization review agents shall collect only such information  
35 as is necessary to make such determination and shall not routinely  
36 require health care providers to numerically code diagnoses or proce-  
37 dures to be considered for certification or routinely request copies of  
38 medical records of all patients reviewed. During prospective or concur-  
39 rent review, copies of medical records shall only be required when  
40 necessary to verify that the health care services subject to such review  
41 are medically necessary. In such cases, only the necessary or relevant  
42 sections of the medical record shall be required. A utilization review  
43 agent may request copies of partial or complete medical records retros-  
44 pectively. Medical records requested by utilization review agents for  
45 purposes of this subsection shall be made available electronically by  
46 health care providers pursuant to subdivision fifteen of section twen-  
47 ty-eight hundred three of the public health law and subdivision (f) of  
48 section 31.04 of the mental hygiene law.

49 § 7. This act shall take effect immediately.