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

2707

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. GANTT -- Multi-Sponsored by -- M. of A. CHRISTENSEN, McENENY, WEINSTEIN -- read once and referred to the Committee on Health

AN ACT to establish a task force on medical record confidentiality relating to the disposition or transference of medical records in certain cases

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

Section 1. The commissioner of health shall establish a task force on medical record confidentiality, to review issues related to the disposition or transference of medical records when a health care practitioner closes, sells or otherwise disposes of his or her practice or when a health care practitioner dies or abandons his or her practice. Appointments to the task force shall be made as follows: seven members appointed by the commissioner of health; two members appointed by the speaker of the assembly; two members appointed by the temporary president of the senate; one member appointed by the minority leader of the assembly; and one member appointed by the minority leader of the senate. The task force shall consist of individuals with expertise or knowledge of medical records and confidentiality issues and shall include individuals representing health care practitioners and health care consumers. The task force shall review issues including, but not limited to, the following:

a. the appropriateness of requiring notification of patients before medical records are transferred or disposed of, including the form that notification should take and any limitations on notification requirements;

b. the confidentiality of medical records when a health care practitioner's practice is sold, transferred or otherwise disposed of, including requirements of obtaining consent from patients;

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

LBD05638-01-9

c. the appropriate disposition or transference of medical records when a health care practitioner dies or abandons his or her practice or when a health practitioner closes, sells or otherwise disposes of his or her practice, including notification to patients;

d. the application of notification, confidentiality and consent requirements to the medical records of non-active patients or to the medical records of patients not seen by a practitioner on an ongoing basis; and

e. the application of notification, confidentiality and consent requirements to medical records of practitioners that belong to partnerships or other group practices.

The task force shall review these issues and any other deemed necessary and shall report to the legislature and the commissioner of health its recommendations for appropriate regulatory or legislative action by April 1, 2011.

S 2. This act shall take effect immediately.