

4866

2009-2010 Regular Sessions

I N A S S E M B L Y

February 6, 2009

Introduced by M. of A. ALESSI -- Multi-Sponsored by -- M. of A. BENEDETTO, CLARK, DESTITO, DINOWITZ, ENGLEBRIGHT, FIELDS, HYER-SPENCER, JAFFEE, JOHN, LATIMER, MCENENY, ORTIZ, J. RIVERA, SWEENEY, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting health care providers who discontinue their practice from charging for the transfer of patient records

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

1 Section 1. Paragraph (e) of subdivision 2 of section 18 of the public
2 health law, as amended by chapter 576 of the laws of 1998, is amended to
3 read as follows:
4 (e) The provider may impose a reasonable charge for all inspections
5 and copies, not exceeding the costs incurred by such provider, provided,
6 however, that a provider may not impose a charge for copying an original
7 mammogram when the original has been furnished to any qualified person
8 and provided, further, that any charge for furnishing an original mammo-
9 gram pursuant to this section shall not exceed the documented costs
10 associated therewith. IN THE EVENT THAT A PROVIDER DISCONTINUES THEIR
11 PRACTICE, THE PROVIDER MAY NOT IMPOSE A CHARGE FOR COPYING FOR THE
12 PURPOSES OF TRANSFERRING PATIENT RECORDS TO A NEW PROVIDER. However, the
13 reasonable charge for paper copies shall not exceed seventy-five cents
14 per page. A qualified person shall not be denied access to patient
15 information solely because of inability to pay.
16 S 2. This act shall take effect immediately.

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

LBD08140-01-9