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

4866--A

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 -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Paragraph (e) of subdivision 2 of section 18 of the public health law, as amended by chapter 576 of the laws of 1998, is amended to read as follows:

(e) The provider may impose a reasonable charge for all inspections and copies, not exceeding the costs incurred by such provider, provided, however, that a provider may not impose a charge for copying an original mammogram when the original has been furnished to any qualified person and provided, further, that any charge for furnishing an original mammogram pursuant to this section shall not exceed the documented costs associated therewith. *IN THE EVENT THAT A PROVIDER DISCONTINUES THEIR PRACTICE, OR IS REQUIRED TO DISCONTINUE THEIR PRACTICE UNDER PARAGRAPH (H) OF SUBDIVISION TEN OF SECTION TWO HUNDRED THIRTY OF THIS CHAPTER, THE PROVIDER MAY NOT IMPOSE A CHARGE FOR COPYING FOR THE PURPOSES OF TRANSFERRING PATIENT RECORDS TO A NEW PROVIDER.* However, the reasonable charge for paper copies shall not exceed seventy-five cents per page. A qualified person shall not be denied access to patient information solely because of inability to pay.

S 2. This act shall take effect immediately.

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

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