5985

2009-2010 Regular Sessions

IN SENATE

June 19, 2009

Introduced by Sen. STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to creating a universal child health passport

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

Section 1. Title B of the mental hygiene law is amended by adding a new article 6 to read as follows:

ARTICLE 6

UNIVERSAL CHILD HEALTH PASSPORT

- SECTION 6.01 UNIVERSAL CHILD HEALTH PASSPORT.
 - 6.02 PERTINENT RECORDS AND/OR INFORMATION ELIGIBLE FOR TRANSFER OR RELEASE.
 - 6.03 GROUPS ELIGIBLE TO RECEIVE OR SHARE PERTINENT RECORDS AND/OR INFORMATION.
 - 6.04 RIGHTS RESERVED.
- 11 S 6.01 UNIVERSAL CHILD HEALTH PASSPORT.

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- 1. THE COMMISSIONER IS HEREBY AUTHORIZED AND DIRECTED TO CREATE AND IMPLEMENT A UNIVERSAL CHILD HEALTH PASSPORT, WHICH SHALL ALLOW MENTAL HEALTH PATIENTS TO UNIVERSALLY CONSENT TO THE TRANSFER OR RELEASE OF PERTINENT RECORDS AND/OR INFORMATION TO CERTAIN GROUPS.
- 2. TO BE EFFECTIVE, THE PASSPORT SHALL BE SIGNED BY THE PARENT OR LEGAL GUARDIAN OF THE CHILD, WHO IS THE RECIPIENT OF SUCH PASSPORT.
- 18 3. SUCH PASSPORT SHALL HAVE A ONE YEAR EXPIRATION DATE, FROM THE DATE 19 THE PASSPORT WAS ISSUED, AND SHALL REQUIRE RENEWAL EVERY YEAR THEREAFT-20 ER.
- 21 S 6.02 PERTINENT RECORDS AND/OR INFORMATION ELIGIBLE FOR TRANSFER OR 22 RELEASE.
- 23 PERTINENT RECORDS AND/OR INFORMATION ELIGIBLE FOR TRANSFER OR RELEASE 24 SHALL INCLUDE:

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

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1 1. ANY INDIVIDUALIZED EDUCATION PROGRAM WHICH INCLUDES AN INTELLIGENCE OUOTIENT OR EDUCATIONAL TESTING COMPONENT;

- 2. MEDICAL AND MENTAL HEALTH TREATMENT RECORDS;
- 3. CONTACT INFORMATION; AND
- 4. ANY ESTABLISHED CRISIS OR SAFETY PLAN IF AVAILABLE.
- 6 S 6.03 GROUPS ELIGIBLE TO RECEIVE OR SHARE PERTINENT RECORDS AND/OR INFORMATION.
- 8 GROUPS ELIGIBLE TO RECEIVE OR SHARE SUCH PERTINENT RECORDS AND/OR 9 INFORMATION SHALL INCLUDE BUT SHALL NOT BE LIMITED TO, SERVICE PROVID-10 ERS, SUCH AS CLINICS, LICENSED PROFESSIONALS, HOSPITALS, EMERGENCY 11 ROOMS, APPROPRIATE SCHOOL PERSONNEL, CRISIS INTERVENTION SERVICES, AND 12 ANY OTHER PERSON WHO DEEMS THIS INFORMATION VITAL TO PROVIDE SAFE AND
- 13 APPROPRIATE CARE IN A CRISIS SITUATION.
- 14 S 6.04 RIGHTS RESERVED.

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- 15 THE PARENT OR GUARDIAN OF A HOLDER OF A UNIVERSAL CHILD HEALTH PASS-16 PORT, SHALL RESERVE THE RIGHT TO ELIMINATE ANY PART OF THE HOLDER'S
- 17 MEDICAL HISTORY FROM THE INFORMATION TO BE TRANSFERRED OR RELEASED.
- 18 S 2. This act shall take effect on the one hundred twentieth day after 19 it shall have become a law.