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I N S E N A T E

February 8, 2010

Introduced by Sens. HANNON, MAZIARZ, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to patient notification regarding the availability of medical records

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

1 Section 1. Paragraph (g) of subdivision 1 of section 2803 of the
2 public health law, as added by chapter 2 of the laws of 1988, is amended
3 to read as follows:
4 (g) The commissioner shall require that every general hospital adopt
5 and make public an identical statement of the rights and responsibil-
6 ities of patients, including a patient complaint and quality of care
7 review process, a right to an appropriate patient discharge plan and for
8 patients other than beneficiaries of title XVIII of the federal social
9 security act (medicare) a right to a discharge review in accordance with
10 section twenty-eight hundred three-i of this article. SUCH STATEMENT OF
11 RIGHTS AND RESPONSIBILITIES OF PATIENTS SHALL ALSO INCLUDE A STATEMENT
12 THAT PATIENTS' MEDICAL RECORDS ARE AVAILABLE TO PATIENTS FOR SIX YEARS
13 AT A REASONABLE CHARGE FOR REPRODUCTION AND THAT A PATIENT CANNOT BE
14 DENIED ACCESS TO SUCH RECORDS BECAUSE OF HIS OR HER INABILITY TO PAY
15 SUCH CHARGE. The form and content of such statement shall be determined
16 in accordance with rules and regulations adopted by the council and
17 approved by the commissioner. A patient who requires continuing health
18 care services in accordance with such patient's discharge plan may not
19 be discharged until such services are secured or determined by the
20 hospital to be reasonably available to the patient. Each general hospi-
21 tal shall give a copy of the statement to each patient, or the appointed
22 personal representative of the patient at or prior to the time of admis-
23 sion to the general hospital, as long as the patient or the appointed
24 personal representative of the patient receives such notice no earlier
25 than fourteen days before admission. Such statement shall also be
26 conspicuously posted by the hospital and shall be a part of the
27 patient's admission package. Nothing herein contained shall be construed
28 to limit any authority vested in the commissioner pursuant to this arti-

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

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1 cle related to the operation of hospitals and care and services provided
2 to patients.
3 S 2. This act shall take effect on the sixtieth day after it shall
4 have become a law.