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

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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:

Section 1. Paragraph (g) of subdivision 1 of section 2803 of the public health law, as added by chapter 2 of the laws of 1988, is amended to read as follows:

(g) The commissioner shall require that every general hospital adopt and make public an identical statement of the rights and responsibilities of patients, including a patient complaint and quality of care review process, a right to an appropriate patient discharge plan and for patients other than beneficiaries of title XVIII of the federal social security act (medicare) a right to a discharge review in accordance with section twenty-eight hundred three-i of this article. SUCH STATEMENT OF RIGHTS AND RESPONSIBILITIES OF PATIENTS SHALL ALSO INCLUDE A STATEMENT THAT PATIENTS' MEDICAL RECORDS ARE AVAILABLE TO PATIENTS FOR SIX YEARS AT A REASONABLE CHARGE FOR REPRODUCTION AND THAT A PATIENT CANNOT BE DENIED ACCESS TO SUCH RECORDS BECAUSE OF HIS OR HER INABILITY TO PAY SUCH CHARGE. The form and content of such statement shall be determined in accordance with rules and regulations adopted by the council and approved by the commissioner. A patient who requires continuing health care services in accordance with such patient's discharge plan may not be discharged until such services are secured or determined by the hospital to be reasonably available to the patient. Each general hospital shall give a copy of the statement to each patient, or the appointed personal representative of the patient at or prior to the time of admission to the general hospital, as long as the patient or the appointed personal representative of the patient receives such notice no earlier than fourteen days before admission. Such statement shall also be conspicuously posted by the hospital and shall be a part of the patient's admission package. Nothing herein contained shall be construed 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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cle related to the operation of hospitals and care and services provided to patients.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.