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

904

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to requiring that medical records of children who have been reported as abused or maltreated be released to the child protective services

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

Section 1. The social services law is amended by adding a new section 425-a to read as follows:

S 425-A. RELEASE OF MEDICAL RECORDS. UPON THE SWORN WRITTEN REQUEST OF THE HEAD OF A LOCAL SOCIAL SERVICES DEPARTMENT OR DISTRICT, WHICH REQUEST SHALL INDICATE THAT A CERTAIN CHILD HAS BEEN REPORTED AS AN ABUSED OR MALTREATED CHILD AND WHICH SHALL ALSO INDICATE THE DATES OF SUCH ALLEGED ABUSE OR MALTREATMENT, A PHYSICIAN, HOSPITAL, OTHER MEDICAL FACILITY OR OTHER PERSON MAKING SUCH REPORT WHO HAS EXAMINED SUCH CHILD, SHALL RELEASE ALL MEDICAL RECORDS, OR COPIES THEREOF, OF THE EXAMINATION OR TREATMENT OF SUCH CHILD, SPECIFICALLY RELATING TO THE ALLEGED ABUSE OR MALTREATMENT, TO THE CHILD PROTECTIVE SERVICE OF SUCH LOCAL SOCIAL SERVICES DEPARTMENT OR DISTRICT. SUCH RECORDS SHALL HAVE THE NAMES OF THE ALLEGED ABUSERS DELETED AND SHALL BE KEPT CONFIDENTIAL UNTIL SUCH TIME AS DETERMINED BY THE APPROPRIATE COURT. THE LOCAL SOCIAL SERVICES DEPARTMENT OR DISTRICT SHALL PAY SUCH ADMINISTRATIVE OR HANDLING FEES TO SUCH PHYSICIAN, HOSPITAL OR MEDICAL FACILITY OR PERSON AS THEY SHALL REASONABLY CHARGE.

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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