

4380

2011-2012 Regular Sessions

I N A S S E M B L Y

February 3, 2011

Introduced by M. of A. SCHROEDER, PERRY, JACOBS, ARROYO, ROBINSON, COOK, SPANO, CASTRO, CLARK, GALEF -- Multi-Sponsored by -- M. of A. BOYLAND, BURLING, CONTE, DUPREY, FINCH, MARKEY, McDONOUGH, J. MILLER, MOLINARO, RABBITT, TOBACCO -- read once and referred to the Committee on Health

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.

S 6.01 UNIVERSAL CHILD HEALTH PASSPORT.

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.

3. SUCH PASSPORT SHALL HAVE A ONE YEAR EXPIRATION DATE, FROM THE DATE THE PASSPORT WAS ISSUED, AND SHALL REQUIRE RENEWAL EVERY YEAR THEREAFTER.

S 6.02 PERTINENT RECORDS AND/OR INFORMATION ELIGIBLE FOR TRANSFER OR RELEASE.

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

LBD06853-02-1

1 PERTINENT RECORDS AND/OR INFORMATION ELIGIBLE FOR TRANSFER OR RELEASE
2 SHALL INCLUDE:
3 1. ANY INDIVIDUALIZED EDUCATION PROGRAM WHICH INCLUDES AN INTELLIGENCE
4 QUOTIENT OR EDUCATIONAL TESTING COMPONENT;
5 2. MEDICAL AND MENTAL HEALTH TREATMENT RECORDS;
6 3. CONTACT INFORMATION; AND
7 4. ANY ESTABLISHED CRISIS OR SAFETY PLAN IF AVAILABLE.
8 S 6.03 GROUPS ELIGIBLE TO RECEIVE OR SHARE PERTINENT RECORDS AND/OR
9 INFORMATION.
10 GROUPS ELIGIBLE TO RECEIVE OR SHARE SUCH PERTINENT RECORDS AND/OR
11 INFORMATION SHALL INCLUDE BUT SHALL NOT BE LIMITED TO, SERVICE PROVID-
12 ERS, SUCH AS CLINICS, LICENSED PROFESSIONALS, HOSPITALS, EMERGENCY
13 ROOMS, CRISIS INTERVENTION SERVICES, AND ANY OTHER PERSON WHO DEEMS THIS
14 INFORMATION VITAL TO PROVIDE SAFE AND APPROPRIATE CARE IN A CRISIS SITU-
15 ATION.
16 S 6.04 RIGHTS RESERVED.
17 THE PARENT OR GUARDIAN OF A HOLDER OF A UNIVERSAL CHILD HEALTH PASS-
18 PORT, SHALL RESERVE THE RIGHT TO ELIMINATE ANY PART OF THE HOLDER'S
19 MEDICAL HISTORY FROM THE INFORMATION TO BE TRANSFERRED OR RELEASED.
20 S 2. This act shall take effect on the one hundred twentieth day after
21 it shall have become a law.