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

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2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. CAHILL, WEISENBERG -- Multi-Sponsored by -- M. of A. McENENY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring consent for visual observation of patients with disabilities

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

Section 1. Section 296 of the executive law is amended by adding a new subdivision 19-a to read as follows:

19-A. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE FOR ANY PHYSICIAN, HOSPITAL, OR OTHER HEALTH CARE PROVIDER TO SUBJECT A PATIENT WITH A DISABILITY TO VISUAL OBSERVATION DURING THE COURSE OF ANY PHYSICAL EXAMINATION BY ANY PERSON NOT NECESSARY TO THE DIAGNOSIS OR TREATMENT OF SUCH PATIENT OR ANY EXHIBITION FOR MEDICAL EDUCATION PURPOSES, UNLESS THE PATIENT, IF COMPETENT, OR THE PARENT OR GUARDIAN OF AN INFANT, GUARDIAN OF A MENTALLY RETARDED OR DEVELOPMENTALLY DISABLED PERSON, COMMITTEE FOR AN INCOMPETENT OR A CONSERVATOR FOR A CONSERVATEE HAS BEEN INFORMED BY THE PHYSICIAN, HOSPITAL OR HEALTH CARE PROVIDER OF THE NAME, POSITION OR FUNCTION OF ANY PERSONNEL, INCLUDING STUDENTS, THAT ARE AUTHORIZED TO VISUALLY OBSERVE ANY PHYSICAL EXAMINATION AND THAT THE PATIENT, IF COMPETENT, OR THE PARENT OR GUARDIAN OF AN INFANT, GUARDIAN OF A MENTALLY RETARDED OR DEVELOPMENTALLY DISABLED PERSON, COMMITTEE FOR AN INCOMPETENT, OR CONSERVATOR OF A CONSERVATEE CAN REFUSE THAT EXAMINATION AND/OR OBSERVATION BY THE PERSONNEL.

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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