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

3296--A

2011-2012 Regular Sessions

I N S E N A T E

February 15, 2011

Introduced by Sens. DeFRANCISCO, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged and said bill committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to enacting the "patient privacy protection act"

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

Section 1. Short title. This act shall be known and may be cited as the "patient privacy protection act".

S 2. Section 3102 of the civil practice law and rules is amended by adding a new subdivision (c-1) to read as follows:

(C-1) EX-PARTE INTERVIEWS. IN ANY ACTION INVOLVING PERSONAL INJURY, MEDICAL, DENTAL, OR PODIATRIC MALPRACTICE OR WRONGFUL DEATH, NO PARTY OR ANYONE ACTING ON BEHALF OF A PARTY MAY EITHER DIRECTLY OR INDIRECTLY CONDUCT EX-PARTE INTERVIEWS WITH THE TREATING PHYSICIANS OR OTHER HEALTH CARE PROVIDERS OF ANY OTHER PARTY. NOTHING IN THIS SUBDIVISION SHALL PROHIBIT AN ATTORNEY OR THE AGENT OR EMPLOYEE OF AN ATTORNEY WHO REPRESENTS THE PATIENT, THE ESTATE OF THE PATIENT, OR THE NATURAL OR DULY APPOINTED GUARDIAN OF THE PATIENT WHOSE CONDITION IS AT ISSUE IN THE ACTION FROM CONDUCTING EX-PARTE CONVERSATIONS WITH A TREATING PHYSICIAN OR OTHER HEALTH CARE PROVIDER OF THE PATIENT.

S 3. This act shall take effect on the thirtieth day after it shall have become a law and shall apply to all actions involving personal injury, medical, dental or podiatric malpractice, or wrongful death filed on and after such date and to all such actions pending on such effective date except as to conduct prohibited by section two of this act which occurred prior to such effective date.

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

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