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

6112

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. BONACIC -- 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 medical records of certain deceased persons

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

Section 1. Section 17 of the public health law, as amended by chapter 165 of the laws of 1991, the first undesignated paragraph as amended by chapter 576 of the laws of 1998, is amended to read as follows:

S 17. Release of medical records. 1. Upon the written request of any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the mental hygiene law, or conservator of a conservatee, an examining, consulting or treating physician or hospital must release and deliver, exclusive of personal notes of the said physician or hospital, copies of all x-rays, medical records and test records including all laboratory tests regarding that patient to any other designated physician or hospital provided, however, that such records concerning the treatment of an infant patient for venereal disease or the performance of an abortion operation upon such infant patient shall not be released or in any manner be made available to the parent or guardian of such infant, and provided, further, that original mammograms, rather than copies thereof, shall be released and delivered. Either the physician or hospital incurring the expense of providing copies of x-rays, medical records and test records including all laboratory tests pursuant to the provisions of this section may impose a reasonable charge to be paid by the person requesting the release and deliverance of such records as reimbursement for such expenses, provided, however, that the physician or hospital may not impose a charge for copying an original mammogram when the original has been released or delivered to any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the mental hygiene law, or a conservator of a conservatee and provided, further, that any charge for delivering an original mammogram pursuant

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

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to this section shall not exceed the documented costs associated therewith. However, the reasonable charge for paper copies shall not exceed seventy-five cents per page. A release of records under this section shall not be denied solely because of inability to pay.

2. UPON THE DEATH OF ANY MINOR CHILD, OR OF AN ADULT FOR WHOM A GUARDIAN HAS BEEN APPOINTED PURSUANT TO ARTICLE EIGHTY-ONE OF THE MENTAL HYGIENE LAW, AN EXAMINING, CONSULTING OR TREATING PHYSICIAN OR HOSPITAL SHALL, RELEASE AND DELIVER, EXCLUSIVE OF PERSONAL NOTES OF THE SAID PHYSICIAN OR HOSPITAL, COPIES OF ALL X-RAYS, MEDICAL RECORDS AND TEST RECORDS INCLUDING ALL LABORATORY TESTS REGARDING SUCH DECEASED PERSON TO THE PARENT OR GUARDIAN OF SUCH MINOR CHILD OR THE APPOINTED GUARDIAN OF AN ADULT PATIENT, WITHIN NINETY DAYS OF A WRITTEN REQUEST BY SUCH PARENT OR GUARDIAN.

3. For the purposes of this section the term "laboratory tests" shall include but not be limited to tests and examinations administered in clinical laboratories or blood banks as those terms are defined in section five hundred seventy-one of this chapter.

S 2. This act shall take effect immediately.