

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

6620--A

I N S E N A T E

March 5, 2012

Introduced by Sens. McDONALD, DeFRANCISCO, GOLDEN, LARKIN, MAZIARZ --
read twice and ordered printed, and when printed to be committed to
the Committee on Mental Health and Developmental Disabilities --
committee discharged, bill amended, ordered reprinted as amended and
recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to the further
dissemination of records pertaining to allegations and investigations
of abuse and mistreatment at a facility to certain persons

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

1 Section 1. Section 33.25 of the mental hygiene law, as added by chap-
2 ter 24 of the laws of 2007, is amended to read as follows:
3 S 33.25 Release of records pertaining to allegations and investigations
4 of abuse and mistreatment.
5 (a) Records and documents pertaining to allegations and investigations
6 into patient abuse or mistreatment at a facility, as defined in subdivi-
7 sion six of section 1.03 of this chapter, including but not limited to
8 all complaints and reports made pursuant to subdivision (c) of section
9 45.07 and section 45.17 of this title, shall be released to a qualified
10 person, as defined in paragraph six of subdivision (a) of section 33.16
11 of this article, upon a written request by such qualified person. Such
12 records and documents shall be made available by the appropriate office
13 within twenty-one days of the conclusion of its investigation, provided
14 that the names and other personally identifying information of other
15 patients and employees shall not be included unless such patients and
16 employees authorize disclosure.
17 (b) Records and reports released in accordance with this section shall
18 be released pursuant to subdivision (b) of section 33.23 of this article
19 and shall not be further disseminated by the recipient, PROVIDED THAT A
20 RECIPIENT MAY SHARE ANY RECORDS AND REPORTS WITH: (I) A HEALTH CARE
21 PROVIDER; (II) A BEHAVIORAL HEALTH CARE PROVIDER; (III) LAW ENFORCEMENT
22 IF THE RECIPIENT BELIEVES A CRIME HAS BEEN COMMITTED; OR (IV) THE RECIP-
23 IENT'S ATTORNEY.

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

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1 (C) A COVER LETTER SHALL ACCOMPANY RECORDS AND REPORTS RELEASED IN
2 ACCORDANCE WITH THIS SECTION AND SHALL STATE: PURSUANT TO SECTION 33.25
3 OF THE MENTAL HYGIENE LAW, THE ATTACHED RECORDS AND REPORTS SHALL NOT BE
4 FURTHER DISSEMINATED, EXCEPT THAT YOU MAY SHARE THE REPORT WITH: (I) A
5 HEALTH CARE PROVIDER; (II) A BEHAVIORAL HEALTH CARE PROVIDER; (III) LAW
6 ENFORCEMENT, IF YOU BELIEVE A CRIME HAS BEEN COMMITTED; OR (IV) YOUR
7 ATTORNEY.

8 (D) NOTHING IN THIS SECTION SHALL PROHIBIT THE RECEIPT, USE OR DISSEM-
9 INATION OF ANY SUCH RECORDS, REPORTS, INFORMATION OR RESULTS OF INVESTI-
10 GATIONS OR INQUIRY BY ANY PATIENT, FORMER PATIENT, OR QUALIFIED PERSON
11 OR PERSON OR OFFICIAL SPECIFIED IN PARAGRAPH (I), (II), (III) OR (IV) OF
12 SUBDIVISION (B) OF THIS SECTION ACTING ON BEHALF OF ANY PATIENT, FORMER
13 PATIENT OR PATIENT'S ESTATE, IN ANY LEGAL ACTION OR PROCEEDING BROUGHT
14 BY OR ON BEHALF OF SUCH PATIENT, FORMER PATIENT OR PATIENT'S ESTATE.

15 S 2. This act shall take effect immediately.