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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. LANCMAN -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to enacting the "personal healthcare information privacy act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "personal healthcare information privacy act".

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

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

15 S 3. This act shall take effect on the thirtieth day after it shall
16 have become a law and shall apply to all actions involving personal
17 injury, medical, dental or podiatric malpractice, or wrongful death
18 filed on and after such date and to all such actions pending on such
19 effective date except as to conduct prohibited by section two of this
20 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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