

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

9037--A

I N A S S E M B L Y

January 17, 2012

Introduced by M. of A. WEISENBERG, COOK, MONTESANO, DUPREY, SCHIMEL, ZEBROWSKI, MAISEL, BURLING, P. RIVERA, BENEDETTO, GUNTHER, M. MILLER, SCARBOROUGH, RAIA, McKEVITT, GRAF, ABINANTI, SWEENEY, MILLMAN, GIBSON, COLTON, GABRYSZAK, JAFFEE, HIKIND, LAVINE, WEPRIN, HOOPER -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BOYLAND, CORWIN, GALEF, GOTTFRIED, JOHNS, JORDAN, McENENY, McLAUGHLIN, MURRAY, OAKS, RA, THIELE, TOBACCO -- read once and referred to the Committee on Mental Health -- 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 ASSEMBLY, 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

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

LBD13292-02-2

1 PROVIDER; (II) A BEHAVIORAL HEALTH CARE PROVIDER; (III) LAW ENFORCEMENT
2 IF THE RECIPIENT BELIEVES A CRIME HAS BEEN COMMITTED; OR (IV) THE RECIPIENT'S ATTORNEY.
3
4 (C) A COVER LETTER SHALL ACCOMPANY RECORDS AND REPORTS RELEASED IN
5 ACCORDANCE WITH THIS SECTION AND SHALL STATE: PURSUANT TO SECTION 33.25
6 OF THE MENTAL HYGIENE LAW, THE ATTACHED RECORDS AND REPORTS SHALL NOT BE
7 FURTHER DISSEMINATED, EXCEPT THAT YOU MAY SHARE THE REPORT WITH: (I) A
8 HEALTH CARE PROVIDER; (II) A BEHAVIORAL HEALTH CARE PROVIDER; (III) LAW
9 ENFORCEMENT, IF YOU BELIEVE A CRIME HAS BEEN COMMITTED; OR (IV) YOUR
10 ATTORNEY.
11 (D) NOTHING IN THIS SECTION SHALL PROHIBIT THE RECEIPT, USE OR DISSEMINATION
12 OF ANY SUCH RECORDS, REPORTS, INFORMATION OR RESULTS OF INVESTIGATIONS
13 OR INQUIRY BY ANY PATIENT, FORMER PATIENT, OR QUALIFIED PERSON OR
14 PERSON OR OFFICIAL SPECIFIED IN PARAGRAPH (I), (II), (III) OR (IV) OF
15 SUBDIVISION (B) OF THIS SECTION ACTING ON BEHALF OF ANY PATIENT, FORMER
16 PATIENT OR PATIENT'S ESTATE, IN ANY LEGAL ACTION OR PROCEEDING BROUGHT
17 BY OR ON BEHALF OF SUCH PATIENT, FORMER PATIENT OR PATIENT'S ESTATE.
18 S 2. This act shall take effect immediately.