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

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I N A S S E M B L Y

April 8, 2014

Introduced by M. of A. BRAUNSTEIN, MOSLEY, CRESPO, TITONE, RIVERA, ZEBROWSKI, OTIS, CAMARA, FAHY, O'DONNELL, SIMOTAS, JAFFEE, COLTON, JACOBS, COOK, ABINANTI, PICHARDO, BROOK-KRASNY, STECK, PERRY -- Multi-Sponsored by -- M. of A. CROUCH, DiPIETRO, FINCH, GRAF, HIKIND, LUPINACCI, MARKEY, MONTESANO, SALADINO, SIMANOWITZ -- read once and referred to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York and the general municipal law, in relation to patient protected health information

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

Section 1. The administrative code of the city of New York is amended by adding a new section 15-130 to read as follows:

S 15-130 PROHIBITING THE SALE OF PATIENT PROTECTED HEALTH INFORMATION. THE DEPARTMENT SHALL NOT OFFER FOR SALE, SELL, OR OTHERWISE DISTRIBUTE PATIENT PROTECTED HEALTH INFORMATION EXCEPT UPON EXPRESS WRITTEN AUTHORIZATION BY SUCH PATIENTS. SUCH DISCLOSURE AND CONSUMER CONSENT SHALL BE GIVEN IN A SEPARATE, STAND-ALONE DOCUMENT AND CONSENT SHALL BE LIMITED TO THE PARTICULAR USE OR TRANSACTION FOR WHICH CONSENT IS GIVEN. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PATIENT INFORMATION TRANSMITTED TO AN INSURANCE CARRIER NECESSARY TO PROCESS INSURANCE CLAIMS.

S 2. The general municipal law is amended by adding a new section 122-a to read as follows:

S 122-A. PROHIBITING THE SALE OF PATIENT PROTECTED HEALTH INFORMATION. NO EMERGENCY SERVICE PROVIDER SHALL OFFER FOR SALE, SELL, OR OTHERWISE DISTRIBUTE PATIENT PROTECTED HEALTH INFORMATION EXCEPT UPON EXPRESS WRITTEN AUTHORIZATION BY SUCH PATIENTS. SUCH DISCLOSURE AND CONSUMER CONSENT SHALL BE GIVEN IN A SEPARATE, STAND-ALONE DOCUMENT AND CONSENT SHALL BE LIMITED TO THE PARTICULAR USE OR TRANSACTION FOR WHICH CONSENT IS GIVEN. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO PATIENT INFORMATION TRANSMITTED TO AN INSURANCE CARRIER NECESSARY TO PROCESS INSURANCE CLAIMS.

S 3. This act shall take effect immediately.

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

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