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

2071

2013-2014 Regular Sessions

I N  S E N A T E

January 10, 2013

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law and the education law, in relation to quality assurance and peer review activities

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

Section 1. Subdivision 2 of section 2805-m of the public health law, as amended by chapter 808 of the laws of 1987, is amended to read as follows:

2. Notwithstanding any other provisions of law, none of the records, documentation or committee actions or records required pursuant to sections twenty-eight hundred five-j and twenty-eight hundred five-k of this article, the reports required pursuant to section twenty-eight hundred five-l of this article nor any incident reporting requirements imposed upon diagnostic and treatment centers pursuant to the provisions of this chapter shall be subject to disclosure under article six of the public officers law or article thirty-one of the civil practice law and rules, except as hereinafter provided or as provided by any other provision of law. No person in attendance at a meeting of any such committee shall be required to testify as to what transpired thereat. [The] FURTHERMORE, THE prohibition relating to discovery of testimony shall [not] apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject matter of which was reviewed at such meeting.

S 2. The closing paragraph of subdivision 3 of section 6527 of the education law, as amended by chapter 257 of the laws of 1987, is amended to read as follows:

Neither the proceedings nor the records relating to performance of a medical or a quality assurance review function or participation in a medical and dental malpractice prevention program nor any report required by the department of health pursuant to section twenty-eight

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

LBD01440-01-3

hundred five-l of the public health law described herein, including the investigation of an incident reported pursuant to section 29.29 of the mental hygiene law, shall be subject to disclosure under article thirty-one of the civil practice law and rules except as hereinafter provided or as provided by any other provision of law. No person in attendance at a meeting when a medical or a quality assurance review or a medical and dental malpractice prevention program or an incident reporting function described herein was performed, including the investigation of an incident reported pursuant to section 29.29 of the mental hygiene law, shall be required to testify as to what transpired thereat. [The] FURTHERMORE, THE prohibition relating to discovery of testimony shall [not] apply to the statements made by any person in attendance at such a meeting who is a party to an action or proceeding the subject matter of which was reviewed at such meeting.

S 3. Section 6530 of the education law is amended by adding a new subdivision 50 to read as follows:

50. FAILURE TO COOPERATE AND PARTICIPATE, REASONABLY AND IN GOOD FAITH, IN THE QUALITY ASSURANCE, INCIDENT REPORTING, AND PEER REVIEW PROGRAMS, ACTIVITIES, REQUIREMENTS AND PROCEDURES COVERED BY THE CONFIDENTIALITY PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED FIVE-M OF THE PUBLIC HEALTH LAW OR CLAUSE (A), (B), (D) OR (E) OF SUBDIVISION THREE OF SECTION SIXTY-FIVE HUNDRED TWENTY-SEVEN OF THIS TITLE.

S 4. This act shall take effect immediately.