

4174--A

Cal. No. 1273

2013-2014 Regular Sessions

I N S E N A T E

March 12, 2013

Introduced by Sens. GOLDEN, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law and the public health law, in relation to the transfer of patient medical records in certain circumstances

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

1 Section 1. Subdivision 40 of section 6530 of the education law, as
2 added by chapter 606 of the laws of 1991, is amended to read as follows:
3 40. Failing to provide access by qualified persons to patient informa-
4 tion in accordance with the standards set forth in [section] SECTIONS
5 SEVENTEEN AND eighteen of the public health law, SUCH SECTION EIGHTEEN
6 as added by chapter [497] FOUR HUNDRED NINETY-SEVEN of the laws of
7 [1986] NINETEEN HUNDRED EIGHTY-SIX;
8 S 2. The public health law is amended by adding a new section 18-b to
9 read as follows:
10 S 18-B. REQUIREMENT FOR TRANSFER OF INFORMATION. 1. A HEALTH CARE
11 PROVIDER, HEALTH CARE FACILITY, OR HEALTH CARE PRACTITIONER, AS SUCH
12 TERMS ARE DEFINED IN SECTION EIGHTEEN OF THIS TITLE, SUCH SECTION EIGH-
13 TEEN AS ADDED BY CHAPTER FOUR HUNDRED NINETY-SEVEN OF THE LAWS OF NINE-
14 TEEN HUNDRED EIGHTY-SIX, WHICH HAS IN ITS POSSESSION PATIENT INFORMATION
15 AS SUCH TERM IS DEFINED IN SUCH SECTION, AND WHICH HAS DETERMINED TO
16 PERMANENTLY CEASE TO DO BUSINESS OR PRACTICE IN THIS STATE SHALL, AT
17 LEAST SIXTY DAYS PRIOR TO SUCH ACTION, NOTIFY THE COMMISSIONER OF ITS
18 INTENT AND SHALL PROVIDE A COPY OF ITS PLAN FOR TRANSFER OF PATIENT
19 RECORDS TO ANOTHER PROVIDER, FACILITY, PRACTITIONER OR PATIENT, AS
20 REQUESTED BY THE PATIENT OR REQUIRED PURSUANT TO LAW. THE COMMISSIONER
21 SHALL PRESCRIBE THE FORM OF SUCH PLAN, THE REQUIREMENTS FOR TRANSFER,

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

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1 AND THE MANNER OF REQUIRED NOTIFICATION, PROVIDED THAT SUCH REQUIREMENTS
2 SHALL INCLUDE A MAXIMUM PERIOD OF TIME FOR THE COMPLETION OF THE TRANS-
3 FER AND A PLAN FOR RETURNING, UPON REQUEST BY THE PATIENT, SUCH MEDICAL
4 RECORDS TO THE PATIENT.

5 2. IF THE COMMISSIONER SHALL DETERMINE THAT THE FAILURE OF ANY SUCH
6 HEALTH CARE PROVIDER, HEALTH CARE FACILITY, OR HEALTH CARE PRACTITIONER
7 TO TIMELY RELEASE MEDICAL RECORDS PURSUANT TO SECTION SEVENTEEN OR EIGH-
8 TEEN OF THIS TITLE, SUCH SECTION EIGHTEEN AS ADDED BY CHAPTER FOUR
9 HUNDRED NINETY-SEVEN OF THE LAWS OF NINETEEN HUNDRED EIGHTY-SIX, SHALL
10 HAVE CAUSED OR MAY CAUSE A THREAT TO THE HEALTH OF THE INDIVIDUALS WHO
11 ARE THE SUBJECT OF SUCH RECORDS, BECAUSE MORE THAN SIX MONTHS HAS
12 ELAPSED SINCE A PRIOR SCREENING OR TEST, THE COMMISSIONER MAY ORDER NEW
13 TESTS TO BE PERFORMED BY A PRACTITIONER CHOSEN OR APPROVED BY THE
14 COMMISSIONER. IN ORDER TO EXPEDITE SUCH TESTS, THE COMMISSIONER MAY
15 ORDER PAYMENT FOR SUCH TESTS FROM ANY ACCOUNT UNDER THE CONTROL OF THE
16 DEPARTMENT, AND SHALL ASSESS ANY SUCH HEALTH CARE PROVIDER, HEALTH CARE
17 FACILITY, OR HEALTH CARE PRACTITIONER WHO FAILED TO TIMELY RELEASE
18 MEDICAL RECORDS FOR THE EXPENSES.

19 S 3. This act shall take effect immediately.