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

5094--A

2015-2016 Regular Sessions

I N S E N A T E

April 30, 2015

Introduced by Sens. HANNON, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to electronic health records

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

Section 1. Title 1 of article 29-D of the public health law is amended by adding a new section 2997-f-1 to read as follows:

S 2997-F-1. ELECTRONIC HEALTH RECORDS. 1. ALL HOSPITALS LICENSED UNDER ARTICLE TWENTY-EIGHT OF THIS CHAPTER, ALL OFFICE-BASED SURGERY PRACTICES ACCREDITED PURSUANT TO SECTION TWO HUNDRED THIRTY-D OF THIS CHAPTER, AND ANY HEALTH CARE PROVIDER LICENSED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHO OPERATES A PRACTICE WHICH ACCEPTS UNSCHEDULED, WALK-IN APPOINTMENTS FROM PATIENTS THAT ARE NOT REGULARLY SEEN BY THE PRACTITIONER AND HAS EXTENDED HOURS OF OPERATION SHALL UTILIZE AND MAINTAIN AN ELECTRONIC HEALTH RECORD SYSTEM THAT CONNECTS TO THE LOCAL REGIONAL HEALTH INFORMATION ORGANIZATION TO FACILITATE THE EXCHANGE OF HEALTH INFORMATION.

2. EACH REGIONAL HEALTH INFORMATION ORGANIZATION SHALL ENSURE IT IS ACCESSIBLE AND CAPABLE OF CONNECTING ALL HOSPITALS AND HEALTH CARE PROVIDERS UNDER THIS SECTION, AND ANY OTHER HEALTH CARE PROVIDER OR QUALIFIED HEALTH ENTITY AND THEIR ELECTRONIC HEALTH RECORD VENDORS, INCLUDING, BUT NOT LIMITED TO, PRIVATE PHYSICIAN PRACTICES AND COUNTY HEALTH DEPARTMENTS THAT WISH TO CONNECT TO THE REGIONAL HEALTH INFORMATION ORGANIZATION.

3. HEALTH CARE PROVIDERS MAY APPLY FOR ANY FUNDING AVAILABLE FOR HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC HEALTH RECORD INFRASTRUCTURE.

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

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4. THE COMMISSIONER SHALL ESTABLISH A PROCESS BY WHICH THE HEALTH CARE PROVIDERS COVERED BY THIS SECTION MAY APPLY FOR A WAIVER FROM THE ELECTRONIC HEALTH RECORD REQUIREMENTS IMPOSED BY THIS SECTION DUE TO ECONOMIC HARDSHIP, TECHNOLOGICAL LIMITATIONS THAT ARE NOT REASONABLY WITHIN THE CONTROL OF THE HEALTH CARE PROVIDER, OR OTHER EXCEPTIONAL CIRCUMSTANCE DEMONSTRATED BY THE HEALTH CARE PROVIDER.

S 2. This act shall take effect 2 years after it shall have become a law; provided, however, that, effective immediately the commissioner of health is authorized to promulgate any rules and regulations necessary to ensure that regional health care organizations are capable of complying with the provisions of this act on its effective date.