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5791

2015-2016 Regular Sessions

I N   S E N A T E

June 3, 2015
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Introduced by Sen. LAVALLE -- (at request of the State Education Depart-
  ment) -- read twice and ordered printed, and when printed to be
  committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to access to patient or
  client records in the investigation and prosecution of professional
  licensing and misconduct proceedings

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

1   Section 1. Subdivision 8 of section 6506 of the education law, as
2 amended by chapter 866 of the laws of 1980, is amended to read as
3 follows:
4   (8) Designate a professional conduct officer, who shall be the chief
5 administrative officer of the office of the professions, or his desig-
6 nee, in connection with professional licensing and misconduct
7 proceedings and criminal matters, such officer to be empowered to issue
8 subpoenas and administer oaths in connection with such proceedings.
9 NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, SAID PROFESSIONAL
10 CONDUCT OFFICER, OR HIS OR HER REPRESENTATIVES, MAY EXAMINE AND OBTAIN
11 RECORDS OF PATIENTS OR CLIENTS IN ANY INVESTIGATION OR PROCEEDING BY THE
12 DEPARTMENT ACTING WITHIN THE SCOPE OF ITS AUTHORIZATION. UNLESS EXPRESS
13 CONSENT IS OBTAINED FROM THE PATIENT OR CLIENT, ANY INFORMATION SO
14 OBTAINED SHALL BE CONFIDENTIAL AND SHALL NOT BE FURTHER DISCLOSED EXCEPT
15 TO THE EXTENT NECESSARY FOR THE PROPER FUNCTION OF THE DEPARTMENT, AND
16 THE NAME OF THE PATIENT OR CLIENT MAY NOT BE DISCLOSED BY THE DEPARTMENT
17 OR ITS EMPLOYEES AT ANY STAGE OF THE PROCEEDINGS UNLESS THE PATIENT OR
18 CLIENT HAS EXPRESSLY CONSENTED. ANY OTHER USE OR DISSEMINATION OF INFOR-
19 MATION FROM SUCH RECORDS BY ANY PERSON BY ANY MEANS, UNLESS IT IS PURSU-
20 ANT TO A VALID COURT ORDER OR OTHERWISE AUTHORIZED BY LAW, SHALL BE
21 PROHIBITED;
22   S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
            [ ] is old law to be omitted.
                                                     LBD08390-01-5