

# STATE OF NEW YORK

7567

2017-2018 Regular Sessions

## IN ASSEMBLY

May 2, 2017

Introduced by M. of A. GUNTHER -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to adding adult siblings to those who may have access to clinical records

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph 6 of subdivision (a) of section 33.16 of the  
2 mental hygiene law, as amended by chapter 37 of the laws of 2011, is  
3 amended to read as follows:

4 6. "Qualified person" means any properly identified patient or client,  
5 guardian of a person with a developmental disability appointed pursuant  
6 to article seventeen-A of the surrogate's court procedure act, or  
7 committee for an incompetent appointed pursuant to this chapter or a  
8 parent of an infant, or a guardian of an infant appointed pursuant to  
9 article seventeen of the surrogate's court procedure act or other legal-  
10 ly appointed guardian of an infant who may be entitled to request access  
11 to a clinical record pursuant to paragraph three of subdivision (b) of  
12 this section, or a parent, spouse ~~[ex]~~, adult child, or adult sibling of  
13 an adult patient or client who may be entitled to request access to a  
14 clinical record pursuant to paragraph four of subdivision (b) of this  
15 section.

16 § 2. Paragraph 4 of subdivision (b) of section 33.16 of the mental  
17 hygiene law, as added by chapter 233 of the laws of 1991, is amended to  
18 read as follows:

19 4. Subject to the provisions of subdivision (c) of this section and  
20 except as otherwise required by law, upon the written request of a  
21 parent of an adult patient or client, spouse ~~[ex]~~, adult child, or adult  
22 sibling of a patient or client, a facility shall provide an opportunity,  
23 within ten days, for such parent, spouse ~~[ex]~~, adult child or adult  
24 sibling to inspect any clinical record maintained or possessed by such  
25 facility concerning the care and treatment of such patient or client for

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

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1 which the parent, spouse ~~[or]~~, adult child or adult sibling is author-  
2 ized pursuant to law, rule or regulation to provide consent and has  
3 consented or is being requested to provide such consent; provided,  
4 however, that such parent, spouse ~~[or]~~, adult child or adult sibling  
5 shall not be entitled to inspect or make copies of any clinical record  
6 concerning the care and treatment of the patient or client where the  
7 treating practitioner determines that access to the information  
8 requested by such parent, spouse ~~[or]~~, adult child or adult sibling  
9 would have a detrimental effect on the practitioner's professional  
10 relationship with the patient or client, or on the care and treatment of  
11 the patient or client or on the relationship of the patient or client  
12 with his or her parents, spouse ~~[or]~~, adult child or adult sibling. Any  
13 inspection of a clinical record made pursuant to this paragraph shall be  
14 limited to that information which is relevant in light of the reason for  
15 such inspection.  
16 § 3. This act shall take effect immediately.