

# STATE OF NEW YORK

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1294

2017-2018 Regular Sessions

## IN SENATE

January 9, 2017

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

AN ACT to amend the public health law, in relation to establishing the reasonable charge for electronic copies of medical records and patient information

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

1 Section 1. The first undesignated paragraph of section 17 of the  
2 public health law, as amended by chapter 576 of the laws of 1998, is  
3 amended to read as follows:

4 Upon the written request of any competent patient, parent or guardian  
5 of an infant, a guardian appointed pursuant to article eighty-one of the  
6 mental hygiene law, or conservator of a conservatee, an examining,  
7 consulting or treating physician or hospital must release and deliver,  
8 exclusive of personal notes of the said physician or hospital, copies of  
9 all x-rays, medical records and test records including all laboratory  
10 tests regarding that patient to any other designated physician or hospi-  
11 tal provided, however, that such records concerning the treatment of an  
12 infant patient for venereal disease or the performance of an abortion  
13 operation upon such infant patient shall not be released or in any  
14 manner be made available to the parent or guardian of such infant, and  
15 provided, further, that original mammograms, rather than copies thereof,  
16 shall be released and delivered. Either the physician or hospital incur-  
17 ring the expense of providing copies of x-rays, medical records and test  
18 records including all laboratory tests pursuant to the provisions of  
19 this section may impose a reasonable charge to be paid by the person  
20 requesting the release and deliverance of such records as reimbursement  
21 for such expenses, provided, however, that the physician or hospital may  
22 not impose a charge for copying an original mammogram when the original  
23 has been released or delivered to any competent patient, parent or guar-  
24 dian of an infant, a guardian appointed pursuant to article eighty-one

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

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1 of the mental hygiene law, or a conservator of a conservatee and  
2 provided, further, that any charge for delivering an original mammogram  
3 pursuant to this section shall not exceed the documented costs associ-  
4 ated therewith. However, the reasonable charge for paper copies shall  
5 not exceed seventy-five cents per page and the reasonable charge for  
6 copies provided in an electronic format shall be the lesser of either  
7 seventy-five cents per page or a total of one hundred dollars. A  
8 release of records under this section shall not be denied solely because  
9 of inability to pay.

10 § 2. Paragraph (e) of subdivision 2 of section 18 of the public health  
11 law, as amended by chapter 576 of the laws of 1998, is amended to read  
12 as follows:

13 (e) The provider may impose a reasonable charge for all inspections  
14 and copies, not exceeding the costs incurred by such provider, provided,  
15 however, that a provider may not impose a charge for copying an original  
16 mammogram when the original has been furnished to any qualified person  
17 and provided, further, that any charge for furnishing an original mammo-  
18 gram pursuant to this section shall not exceed the documented costs  
19 associated therewith. However, the reasonable charge for paper copies  
20 shall not exceed seventy-five cents per page and the reasonable charge  
21 for copies provided in an electronic format shall be the lesser of  
22 either seventy-five cents per page or a total of one hundred dollars. A  
23 qualified person shall not be denied access to patient information sole-  
24 ly because of inability to pay.

25 § 3. This act shall take effect immediately.