

STATE OF NEW YORK

7902

IN SENATE

March 8, 2018

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

AN ACT to amend the public health law and the vehicle and traffic law, in relation to requiring reporting of certain medical conditions to the department of health and the department of motor vehicles

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

Section 1. The public health law is amended by adding a new article 20-B to read as follows:

ARTICLE 20-B

REPORTING OF IMPAIRING AILMENTS

Section 2020. Definitions.

2021. Physicians and facilities; duty to report.

2022. Contents of report.

2023. Duties of commissioner.

§ 2020. Definitions. As used in this article:

1. "facility" shall mean any governmental or private agency, department, institution, clinic, laboratory, hospital, nursing care facility, health maintenance organization, association or other similar entity that provides medical care.

2. "impairing ailment" shall mean any chronic, recurring ailment or disease that causes sudden impairment without notice.

§ 2021. Physicians and facilities; duty to report. An attending physician or a person representing or employed by a facility as defined by the commissioner shall report the existence of an impairing ailment to the department and the department of motor vehicles when the physician or other person diagnoses or confirms the presence of the impairing ailment.

§ 2022. Contents of report. The report as set forth in section two thousand twenty-one of this article shall be designated an impairing ailment report and shall contain information which the commissioner establishes as necessary to identify the patient suffering the impairing ailment and investigate the occurrence, frequency, incidence, cause, effect and prognosis of the impairing ailment. The report shall also

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

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1 include if the patient is suffering chronically from the impairing
2 ailment such that it is unsafe for such patient to operate a motor vehi-
3 cle.

4 § 2023. Duties of commissioner. The commissioner shall promulgate
5 rules and regulations to implement the provisions of this article,
6 including but not limited to:

7 1. defining a person representing or employed by a facility;

8 2. establishing the form, content and manner of filing the impairing
9 ailment report;

10 3. prescribing the permissible uses for the information made available
11 pursuant to this article;

12 4. establishing procedures to maintain the confidentiality of informa-
13 tion provided to persons pursuant to this article; and

14 5. establishing, in conjunction with the commissioner of motor vehi-
15 cles, a method for an attending physician or a person representing or
16 employed by a facility as defined by the commissioner to report to the
17 department and the department of motor vehicles the existence of an
18 impairing ailment.

19 § 2. Section 510 of the vehicle and traffic law is amended by adding a
20 new subdivision 12 to read as follows:

21 12. Where the commissioner has received an impairing ailment report
22 pursuant to article twenty-B of the public health law, if the report
23 shows that the impairing ailment is a chronic impairment to driving, the
24 commissioner may suspend the license of the person afflicted with the
25 impairing ailment until such time that a physician reports the person is
26 able to safely operate a motor vehicle.

27 § 3. This act shall take effect immediately.