

STATE OF NEW YORK

2410--B

2017-2018 Regular Sessions

IN ASSEMBLY

January 20, 2017

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Mental Health -- recommitted to the Committee on Mental Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to authorizing the release of certain records of deceased residents of OPWDD operated or certified facilities to family members upon written request

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

1 Section 1. Subdivision (f) of section 13.09 of the mental hygiene law
2 is relettered subdivision (i) and a new subdivision (f) is added to read
3 as follows:

4 (f) Notwithstanding the provisions of sections 33.13 and 33.16 of this
5 chapter, the commissioner shall promulgate regulations in accordance
6 with the federal health insurance portability and accountability act of
7 1996, and any regulations promulgated thereunder, to cover the release
8 of certain records pertaining to a deceased individual who resided in a
9 facility operated or certified by the office. The regulations shall
10 specify which information shall be released and shall include such
11 records as the individual's name; dates of admission, discharge, birth
12 and death; cause of death; treatment, and services provided; employment;
13 and residential history to family members, unless the deceased individ-
14 ual, or in the case of an individual who lacked capacity to consent to
15 the release of his or her records, a qualified person as defined in
16 paragraph six of subdivision (a) of section 33.16 of this chapter, had
17 previously objected to the release of his or her records and such
18 objection was in writing or otherwise documented in the individual's

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

LBD04521-05-8

1 services plan and had not been withdrawn, the commissioner shall not
2 authorize the release of such records.
3 § 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law.