

# STATE OF NEW YORK

243

2017-2018 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2017

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

AN ACT to amend the civil practice law and rules, in relation to enacting the "patient privacy protection act"

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 the "patient privacy protection act".

3 § 2. Section 3102 of the civil practice law and rules is amended by  
4 adding a new subdivision (c-1) to read as follows:

5 (c-1) Ex-parte interviews. In any action involving personal injury,  
6 medical, dental or podiatric malpractice, or wrongful death, no party or  
7 anyone acting on behalf of a party may either directly or indirectly  
8 conduct ex-parte interviews with the treating physicians or other health  
9 care providers of any other party. Nothing in this subdivision shall  
10 prohibit an attorney or the agent or employee of an attorney who repres-  
11 ents the patient, the estate of the patient, or the natural or duly  
12 appointed guardian of the patient whose condition is at issue in the  
13 action from conducting ex-parte conversations with a treating physician  
14 or other health care provider of the patient.

15 § 3. This act shall take effect on the thirtieth day after it shall  
16 have become a law and shall apply to all actions involving personal  
17 injury, medical, dental or podiatric malpractice, or wrongful death  
18 filed on and after such date and to all such actions pending on such  
19 effective date except as to conduct prohibited by section two of this  
20 act which occurred prior to such effective date.

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

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