

# STATE OF NEW YORK

6078

2017-2018 Regular Sessions

## IN SENATE

May 11, 2017

Introduced by Sen. VALESKY -- 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 mental hygiene law, in relation to health record access for a government benefit or program

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  
25 of the mental hygiene law, or a conservator of a conservatee and

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

LBD11636-02-7

1 provided, further, that any charge for delivering an original mammogram  
2 pursuant to this section shall not exceed the documented costs associ-  
3 ated therewith. However, the reasonable charge for paper copies shall  
4 not exceed seventy-five cents per page. A release of records under this  
5 section shall not be denied solely because of inability to pay. No  
6 charge may be imposed under this section for providing, releasing, or  
7 delivering medical records or copies of medical records where requested  
8 for the purpose of supporting an application, claim or appeal for any  
9 government benefit or program, provided that, where a provider maintains  
10 medical records in electronic form, it shall provide the copy in either  
11 electronic or paper form, as required by the government benefit or  
12 program, or at the patient's request.

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

16 (e) The provider may impose a reasonable charge for all inspections  
17 and copies, not exceeding the costs incurred by such provider, provided,  
18 however, that a provider may not impose a charge for copying an original  
19 mammogram when the original has been furnished to any qualified person  
20 and provided, further, that any charge for furnishing an original mammo-  
21 gram pursuant to this section shall not exceed the documented costs  
22 associated therewith. However, the reasonable charge for paper copies  
23 shall not exceed seventy-five cents per page. A qualified person shall  
24 not be denied access to patient information solely because of inability  
25 to pay. No charge may be imposed under this section for providing,  
26 releasing, or delivering patient information or copies of patient infor-  
27 mation where requested for the purpose of supporting an application,  
28 claim or appeal for any government benefit or program, provided that,  
29 where a provider maintains patient information in electronic form, it  
30 shall provide the copy in either electronic or paper form, as required  
31 by the government benefit or program, or at the patient's request.

32 § 3. Paragraph 6 of subdivision (b) of section 33.16 of the mental  
33 hygiene law, as amended by chapter 165 of the laws of 1991 and as renum-  
34 bered by chapter 233 of the laws of 1991, is amended to read as follows:

35 6. The facility may impose a reasonable charge for all inspections and  
36 copies, not exceeding the costs incurred by such provider. However, the  
37 reasonable charge for paper copies shall not exceed seventy-five cents  
38 per page. A qualified person shall not be denied access to the clinical  
39 record solely because of inability to pay. No charge may be imposed  
40 under this section for providing, releasing, or delivering clinical  
41 records or copies of clinical records where requested for the purpose of  
42 supporting an application, claim or appeal for any government benefit or  
43 program, provided that, where a provider maintains clinical records in  
44 electronic form, it shall provide the copy in either electronic or paper  
45 form, as required by the government benefit or program, or at the  
46 patient's request.

47 § 4. This act shall take effect immediately.