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:

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

Upon the written request of any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the mental hygiene law, or conservator of a conservatee, an examining, consulting or treating physician or hospital must release and deliver, exclusive of personal notes of the said physician or hospital, copies of all x-rays, medical records and test records including all laboratory tests regarding that patient to any other designated physician or hospital provided, however, that such records concerning the treatment of an infant patient for venereal disease or the performance of an abortion operation upon such infant patient shall not be released or in any manner be made available to the parent or guardian of such infant, and provided, further, that original mammograms, rather than copies thereof, shall be released and delivered. Either the physician or hospital incurring the expense of providing copies of x-rays, medical records and test records including all laboratory tests pursuant to the provisions of this section may impose a reasonable charge to be paid by the person requesting the release and deliverance of such records as reimbursement for such expenses, provided, however, that the physician or hospital may not impose a charge for copying an original mammogram when the original has been released or delivered to any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one 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.

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

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

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

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

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

§ 4. This act shall take effect immediately.