

STATE OF NEW YORK

2349

2019-2020 Regular Sessions

IN ASSEMBLY

January 22, 2019

Introduced by M. of A. PERRY -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the transfer of patient medical records upon the closure of a health care provider's office

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

1 Section 1. Subdivision 1 of section 18 of the public health law, as
2 added by chapter 497 of the laws of 1986, is amended by adding a new
3 paragraph (j) to read as follows:

4 (j) "Cease to do business in this state" shall mean any case where a
5 health care provider who has engaged in an on-going practice or business
6 within this state as a health care provider, ceases to engage in such
7 business, provided however, that this term shall not include a health
8 care practitioner whose practice is merged, consolidated, combined, or
9 acquired by another health care provider and he or she continues to
10 provide services including medical care, diagnosis or treatment to
11 patients as an employee, contractor, or owner of the merged, consol-
12 idated, combined, or acquired health care provider.

13 § 2. Section 18 of the public health law, as added by chapter 497 of
14 the laws of 1986, is amended by adding a new subdivision 13 to read as
15 follows:

16 13. (a) A health care provider which has in its possession patient
17 information and/or patient medical records and which has determined to
18 permanently cease to do business or practice in this state shall, at
19 least thirty days prior to such action, make a good faith effort to
20 notify each of the health care provider's current patients that the
21 office will be closing and to inform each such patient of his or her
22 right to request that his or her patient information and/or patient
23 medical records be sent to a health care provider, health care facility

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

LBD06968-01-9

1 or health care practitioner of the patient's choosing or, alternatively,
2 that such information and records be returned to the patient.

3 (b) The provisions of this subdivision shall not affect any rights
4 afforded pursuant to section seventeen of this title.

5 (c) Nothing in this subdivision shall affect the period of time that a
6 health care provider is lawfully required to retain a patient's medical
7 information and medical records.

8 (d) The provisions of this subdivision shall only apply with respect
9 to a patient whose chart includes written permission to receive the
10 notification described in paragraph (a) of this subdivision.

11 § 3. This act shall take effect immediately.