

# STATE OF NEW YORK

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8337

2019-2020 Regular Sessions

## IN ASSEMBLY

June 14, 2019

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Introduced by M. of A. WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the New York city charter, the mental hygiene law and the public health law, in relation to access to medical and psychiatric records of deceased inmates by the board of correction of the city of New York

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

1 Section 1. Paragraph 2 of subdivision c of section 626 of the New York  
2 city charter, as amended by vote of the people of the city of New York  
3 at the general election held in November of 1975, is amended to read as  
4 follows:

5 2. (a) The inspection of all books, records, documents, and papers of  
6 the department;

7 (b) The inspection of medical or psychiatric records of any health  
8 care provider that treated an inmate when the board has requested such  
9 information with respect to the death of such person, provided (i)  
10 records from a federally assisted alcohol or drug abuse program may be  
11 disclosed only to the extent permitted by applicable federal law; (ii)  
12 with respect to records subject to section 33.13 of the mental hygiene  
13 law, any limitation on the release thereof imposed by law upon the party  
14 furnishing the information, books, records or data shall apply to the  
15 board; and (iii) any confidential HIV-related information shall only be  
16 made available to and received and retained by the board to the extent  
17 relevant and necessary to accomplish the mandates of the board, and in a  
18 manner consistent with regulations issued by the state commission on  
19 correction to govern the receipt, use, retention and redisclosure of  
20 such information by the state commission, and the board shall promulgate  
21 regulations establishing criteria for determining which employees and  
22 agents may, in the ordinary course of business of the board, be author-  
23 ized to access confidential HIV related information; and

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

LBD13359-02-9

1 § 2. Paragraph 5 of subdivision (c) of section 33.13 of the mental  
2 hygiene law, as amended by chapter 912 of the laws of 1984, is amended  
3 to read as follows:

4 5. to the medical review board of the state commission of correction  
5 or the board of correction of the city of New York when such board has  
6 requested such information with respect to the death of a named person,  
7 or, with the consent of a patient or client when such board has  
8 requested information about the patient or client providing that such  
9 board requires such information in the exercise of its statutory func-  
10 tions, powers and duties. Information, books, records or data which are  
11 confidential as provided by law shall be kept confidential by the  
12 commission or the board of correction of the city of New York, as appli-  
13 cable, and any limitation on the release thereof imposed by law upon the  
14 party furnishing the information, books, records or data shall apply to  
15 the medical review board and the board of correction of the city of New  
16 York.

17 § 3. Paragraph o of subdivision 1 of section 2782 of the public health  
18 law, as added by chapter 584 of the laws of 1988, is amended to read as  
19 follows:

20 (o) an employee or agent of the commission of correction, in accord-  
21 ance with paragraph (a) of subdivision two of section twenty-seven  
22 hundred eighty-six of this article, to the extent the employee or agent  
23 is authorized to access records containing such information in order to  
24 carry out the commission's functions, powers and duties with respect to  
25 the protected individual, pursuant to article three of the correction  
26 law, or an employee or agent of the board of correction of the city of  
27 New York, to the extent the employee or agent is authorized to access  
28 records containing such information in order to carry out the board's  
29 functions, powers and duties, when such board has requested such infor-  
30 mation with respect to the death of a named person.

31 § 4. This act shall take effect immediately.