STATE OF NEW YORK

8337

2019-2020 Regular Sessions

IN ASSEMBLY

June 14, 2019

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:

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

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

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

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

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

5. to the medical review board of the state commission of correction **or the board of correction of the city of New York** when such board has requested such information with respect to the death of a named person, or, with the consent of a patient or client when such board has requested information about the patient or client providing that such board requires such information in the exercise of its statutory functions, powers and duties. Information, books, records or data which are confidential as provided by law shall be kept confidential by the commission **or the board of correction of the city of New York, as applicable,** and any limitation on the release thereof imposed by law upon the party furnishing the information, books, records or data shall apply to the medical review board **and the board of correction of the city of New York**.

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

(o) an employee or agent of the commission of correction, in accordance with paragraph (a) of subdivision two of section twenty-seven hundred eighty-six of this article, to the extent the employee or agent is authorized to access records containing such information in order to carry out the commission's functions, powers and duties with respect to the protected individual, pursuant to article three of the correction law**, or an employee or agent of the board of correction of the city of New York, to the extent the employee or agent is authorized to access records containing such information in order to carry out the board's functions, powers and duties, when such board has requested such information with respect to the death of a named person**.

§ 4. This act shall take effect immediately.