STATE OF NEW YORK

8337--B

2019-2020 Regular Sessions

IN ASSEMBLY

June 14, 2019

Introduced by M. of A. WALKER, WEPRIN -- read once and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend 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 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 **state** commission **or the board of correction of the city of New York** 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 **of the state commission and the board of correction of the city of New York**.

§ 2. Paragraphs (n) and (o) of subdivision 1 of section 2782 of the public health law, as added by chapter 584 of the laws of 1988, are amended to read as follows:

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

LBD13359-04-0

(n) a medical director of a local correctional facility as defined in section forty of the correction law, in accordance with paragraph (a) of subdivision two of section twenty-seven hundred eighty-six of this article, to the extent the medical director is authorized to access records containing such information in order to carry out his or her functions, powers and duties with respect to the protected individual; [~~or~~]

(o) an employee or agent of the commission of correction **or the board of correction of the city of New York**, 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[~~.~~]**;**

§ 3. Paragraph (a) of subdivision 2 of section 2786 of the public health law, as added by chapter 584 of the laws of 1988, is amended to read as follows:

(a) Each state agency authorized pursuant to this article to obtain confidential HIV related information **and the board of correction of the city of New York** shall, in consultation with the department of health, promulgate regulations: (1) to provide safeguards to prevent discrimination, abuse or other adverse actions directed toward protected individuals; (2) to prohibit the disclosure of such information except in accordance with this article; (3) to seek to protect individuals in contact with the protected individual when such contact creates a significant risk of contracting or transmitting HIV infection through the exchange of body fluids, and (4) to establish criteria for determining when it is reasonably necessary for a provider of a health or social service or the state agency or a local government agency to have or to use confidential HIV related information for supervision, monitoring, investigation, or administration and for determining which employees and agents may, in the ordinary course of business of the agency or provider, be authorized to access confidential HIV related information pursuant to the provisions of paragraphs (l) and (m) of subdivision one and subdivision six of section twenty-seven hundred eighty-two of this article; and provided further that such regulations shall be promulgated by the chairperson of the commission of correction where disclosure is made pursuant to paragraphs (n) and (o) of subdivision one of section twenty-seven hundred eighty-two of this article.

§ 4. This act shall take effect immediately.