STATE OF NEW YORK

1288

2019-2020 Regular Sessions

IN SENATE

January 14, 2019

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Alcoholism and Substance Abuse

AN ACT to amend the mental hygiene law, in relation to notice to certain persons of a patient previously treated in a chemical dependence program or facility

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

Section 1. This act shall be known and may be cited as "Stephen's law".

§ 2. The mental hygiene law is amended by adding a new section 22.09-a to read as follows:

§ 22.09-a Notice to certain persons of patients previously treated.

(a) When a patient who has previously been treated in a chemical dependence program, service or treatment facility does not attend a scheduled appointment; tests positive for any controlled substance; or demonstrates behavior or conditions which may cause life-threatening harm to such patient, a health care provider treating or observing such patient shall notify all parties to whom the patient has authorized consent for the release of medical information.

(b) The health care provider shall only be required to use contact information as specified on the form authorizing consent for the release of medical information. A party which does not list contact information on such form waives its right to receive notice of occurrences under this section.

(c) The office shall notify a party who is authorized to receive medical information of the impending expiration of such authorization no less than seven calendar days before the expiration date.

(d) Upon the occurrence of any circumstance under subdivision (a) of this section, a patient may not revoke his or her consent for the release of information to any party. The consent shall remain in effect

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

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until it expires pursuant to the terms originally specified at the time the consent was signed or subsequently updated.

(e) A health care provider shall not be required to contact more than three parties for any single occurrence.

§ 3. The office of alcoholism and substance abuse services shall update the TRS-2 form (Consent for Release of Information Concerning Alcoholism/Drug Abuse Patient) to include a space in which a signatory may add immediate contact information for persons who are authorized to receive medical information, including but not limited to a phone number and/or an email address. The updated form shall be published no more than ninety days after the effective date of this act.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.