STATE OF NEW YORK

3899--A

2019-2020 Regular Sessions

IN SENATE

February 21, 2019

Introduced by Sens. KRUEGER, BAILEY, HOYLMAN, PARKER, RIVERA, SANDERS, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to providing medical care to minors for sexually transmitted diseases without a parent's or guardian's consent

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

Section 1. Section 2305 of the public health law, as amended by chapter 878 of the laws of 1980, the section heading and subdivisions 1 and 2 as amended by section 35 of part E of chapter 56 of the laws of 2013, is amended to read as follows:

§ 2305. Sexually transmitted diseases; care and treatment [~~by licensed physician or staff physician of a hospital; prescriptions~~]; consent by minors. 1. No person, other than a [~~licensed physician, or, in a hospital, a staff physician~~] health care practitioner, shall diagnose, treat or prescribe for a person who is infected with a sexually transmitted disease, or who has been exposed to infection with a sexually transmitted disease, or dispense or sell a drug, medicine or remedy for the treatment of such person except on prescription of a [~~duly licensed physician~~] health care practitioner.

2. (a) A [~~licensed physician, or in a hospital, a staff physician,~~] health care practitioner may diagnose, treat or prescribe treatment for a sexually transmitted disease for a person under the age of [~~twenty-one~~] eighteen years without the consent or knowledge of the parents or [~~guardian~~] guardians of said person, where such person is infected with a sexually transmitted disease, or has been exposed to infection with a sexually transmitted disease.

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

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(b) A health care practitioner may provide health care related to the prevention of a sexually transmissible disease, including administering vaccines, to a person under the age of eighteen years without the consent or knowledge of the parents or guardians of such person, provided that the person has capacity to consent to the care, without regard to the person's age, and the person consents.

(c) Any release of patient information regarding vaccines provided under this section shall be consistent with sections seventeen and eighteen of this chapter and other applicable laws and regulations.

3. For the purposes of this section, [~~the term~~]

(a) "hospital" shall mean a hospital as defined in article twenty-eight of this chapter**; and**

(b) "health care practitioner" shall mean a person licensed, certified or otherwise authorized to practice under title eight of the education law, acting within his or her lawful scope of practice.

§ 2. The first undesignated paragraph of section 17 of the public health law, as amended by chapter 322 of the laws of 2017, is amended to read ad follows:

Upon the written request of any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the mental hygiene law, or conservator of a conservatee, an examining, consulting or treating physician or hospital must release and deliver, exclusive of personal notes of the said physician or hospital, copies of all x-rays, medical records and test records including all laboratory tests regarding that patient to any other designated physician or hospital provided, however, that such records concerning the **care and** treatment of an infant patient for venereal disease or the performance of an abortion operation upon such infant patient shall not be released or in any manner be made available to the parent or guardian of such infant, and provided, further, that original mammograms, rather than copies thereof, shall be released and delivered. Either the physician or hospital incurring the expense of providing copies of x-rays, medical records and test records including all laboratory tests pursuant to the provisions of this section may impose a reasonable charge to be paid by the person requesting the release and deliverance of such records as reimbursement for such expenses, provided, however, that the physician or hospital may not impose a charge for copying an original mammogram when the original has been released or delivered to any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the mental hygiene law, or a conservator of a conservatee and provided, further, that any charge for delivering an original mammogram pursuant to this section shall not exceed the documented costs associated therewith. However, the reasonable charge for paper copies shall not exceed seventy-five cents per page. A release of records under this section shall not be denied solely because of inability to pay. No charge may be imposed under this section for providing, releasing, or delivering medical records or copies of medical records where requested for the purpose of supporting an application, claim or appeal for any government benefit or program, provided that, where a provider maintains medical records in electronic form, it shall provide the copy in either electronic or paper form, as required by the government benefit or program, or at the patient's request.

§ 3. Paragraph (i) of subdivision 3 of section 18 of the public health law, as added by chapter 634 of the laws of 2004, is amended to read as follows:

(i) The release of patient information shall be subject to: (i) article twenty-seven-F of this chapter in the case of confidential HIV-related information; (ii) section seventeen of this article and sections [~~twenty-three hundred one,~~] twenty-three hundred six and twenty-three hundred eight of this chapter in the case of termination of a pregnancy, and **care and** treatment for a sexually transmitted disease; (iii) article thirty-three of the mental hygiene law; and (iv) any other provisions of law creating special requirements relating to the release of patient information, including the federal health insurance portability and accountability act of 1996 and its implementing regulations.

§ 4. This act shall take effect immediately.