

# 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:

1 Section 1. Section 2305 of the public health law, as amended by chap-  
2 ter 878 of the laws of 1980, the section heading and subdivisions 1 and  
3 2 as amended by section 35 of part E of chapter 56 of the laws of 2013,  
4 is amended to read as follows:

5 § 2305. Sexually transmitted diseases; care and treatment [~~by licensed~~  
6 ~~physician or staff physician of a hospital, prescriptions~~]; consent by  
7 minors. 1. No person, other than a [~~licensed physician, or, in a hospi-~~  
8 ~~tal, a staff physician~~] health care practitioner, shall diagnose, treat  
9 or prescribe for a person who is infected with a sexually transmitted  
10 disease, or who has been exposed to infection with a sexually transmit-  
11 ted disease, or dispense or sell a drug, medicine or remedy for the  
12 treatment of such person except on prescription of a [~~duly licensed~~  
13 ~~physician~~] health care practitioner.

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

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

LBD00631-03-9

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

7 (c) Any release of patient information regarding vaccines provided  
 8 under this section shall be consistent with sections seventeen and eigh-  
 9 teen of this chapter and other applicable laws and regulations.

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

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

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

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

19 Upon the written request of any competent patient, parent or guardian  
 20 of an infant, a guardian appointed pursuant to article eighty-one of the  
 21 mental hygiene law, or conservator of a conservatee, an examining,  
 22 consulting or treating physician or hospital must release and deliver,  
 23 exclusive of personal notes of the said physician or hospital, copies of  
 24 all x-rays, medical records and test records including all laboratory  
 25 tests regarding that patient to any other designated physician or hospi-  
 26 tal provided, however, that such records concerning the care and treat-  
 27 ment of an infant patient for venereal disease or the performance of an  
 28 abortion operation upon such infant patient shall not be released or in  
 29 any manner be made available to the parent or guardian of such infant,  
 30 and provided, further, that original mammograms, rather than copies  
 31 thereof, shall be released and delivered. Either the physician or hospi-  
 32 tal incurring the expense of providing copies of x-rays, medical records  
 33 and test records including all laboratory tests pursuant to the  
 34 provisions of this section may impose a reasonable charge to be paid by  
 35 the person requesting the release and deliverance of such records as  
 36 reimbursement for such expenses, provided, however, that the physician  
 37 or hospital may not impose a charge for copying an original mammogram  
 38 when the original has been released or delivered to any competent  
 39 patient, parent or guardian of an infant, a guardian appointed pursuant  
 40 to article eighty-one of the mental hygiene law, or a conservator of a  
 41 conservatee and provided, further, that any charge for delivering an  
 42 original mammogram pursuant to this section shall not exceed the docu-  
 43 mented costs associated therewith. However, the reasonable charge for  
 44 paper copies shall not exceed seventy-five cents per page. A release of  
 45 records under this section shall not be denied solely because of inabil-  
 46 ity to pay. No charge may be imposed under this section for providing,  
 47 releasing, or delivering medical records or copies of medical records  
 48 where requested for the purpose of supporting an application, claim or  
 49 appeal for any government benefit or program, provided that, where a  
 50 provider maintains medical records in electronic form, it shall provide  
 51 the copy in either electronic or paper form, as required by the govern-  
 52 ment benefit or program, or at the patient's request.

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

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

11 § 4. This act shall take effect immediately.