STATE OF NEW YORK

5367

2019-2020 Regular Sessions

IN SENATE

April 29, 2019

Introduced by Sen. COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the transfer of patient medical records upon the closure of a health care provider's office

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

Section 1. Subdivision 1 of section 18 of the public health law, as added by chapter 497 of the laws of 1986, is amended by adding a new paragraph (j) to read as follows:

(j) "Cease to do business in this state" shall mean any case where a health care provider who has engaged in an on-going practice or business within this state as a health care provider, ceases to engage in such business, provided however, that this term shall not include a health care practitioner whose practice is merged, consolidated, combined, or acquired by another health care provider and he or she continues to provide services including medical care, diagnosis or treatment to patients as an employee, contractor, or owner of the merged, consolidated, combined, or acquired health care provider.

§ 2. Section 18 of the public health law, as added by chapter 497 of the laws of 1986, is amended by adding a new subdivision 13 to read as follows:

13. (a) A health care provider which has in its possession patient information and/or patient medical records and which has determined to permanently cease to do business or practice in this state shall, at least thirty days prior to such action, make a good faith effort to notify each of the health care provider's current patients that the office will be closing and to inform each such patient of his or her right to request that his or her patient information and/or patient medical records be sent to a health care provider, health care facility

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

LBD06968-01-9

or health care practitioner of the patient's choosing or, alternatively, that such information and records be returned to the patient.

(b) The provisions of this subdivision shall not affect any rights afforded pursuant to section seventeen of this title.

(c) Nothing in this subdivision shall affect the period of time that a health care provider is lawfully required to retain a patient's medical information and medical records.

(d) The provisions of this subdivision shall only apply with respect to a patient whose chart includes written permission to receive the notification described in paragraph (a) of this subdivision.

§ 3. This act shall take effect immediately.