

# STATE OF NEW YORK

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5623

2019-2020 Regular Sessions

## IN SENATE

May 9, 2019

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Introduced by Sen. STAVISKY -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to access to patient or client records in the investigation and prosecution of professional licensing and misconduct proceedings

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

1 Section 1. Subdivision 8 of section 6506 of the education law, as  
2 amended by chapter 866 of the laws of 1980, is amended to read as  
3 follows:

4 (8) Designate a professional conduct officer, who shall be the chief  
5 administrative officer of the office of the professions, or his or her  
6 designee, in connection with professional licensing and misconduct  
7 proceedings and criminal matters, such officer to be empowered to issue  
8 subpoenas and administer oaths in connection with such proceedings.  
9 Notwithstanding any provision of law to the contrary, said professional  
10 conduct officer, or his or her representatives, may examine and obtain  
11 records of patients or clients in connection with any investigation or  
12 proceeding by the department under this section. Unless express consent  
13 is obtained from the patient or client, any information so obtained  
14 shall be confidential and shall not be further disclosed except to the  
15 extent necessary for the proper function of the department, and the name  
16 of the patient or client may not be disclosed by the department or its  
17 employees at any stage of the proceedings unless the patient or client  
18 has expressly consented. Any other use or dissemination of information  
19 from such records by any person by any means, unless it is pursuant to a  
20 valid court order or otherwise authorized by law, shall be prohibited;

21 § 2. This act shall take effect immediately.

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

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