

STATE OF NEW YORK

10566

IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Burke) --
read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to authorizing certain healthcare workers to file an application for an extreme risk protection order against a person who was examined by such healthcare worker in certain circumstances

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

1 Section 1. Subdivision 2 of section 6340 of the civil practice law and
2 rules, as added by chapter 19 of the laws of 2019, is amended to read as
3 follows:
4 2. "Petitioner" means: (a) a police officer, as defined in section
5 1.20 of the criminal procedure law, or district attorney with jurisdic-
6 tion in the county or city where the person against whom the order is
7 sought resides; (b) a family or household member, as defined in subdivi-
8 sion two of section four hundred fifty-nine-a of the social services
9 law, of the person against whom the order is sought; ~~[or]~~ (c) a school
10 administrator as defined in section eleven hundred twenty-five of the
11 education law, or a school administrator's designee, of any school in
12 which the person against whom the order is sought is currently enrolled
13 or has been enrolled in the six months immediately preceding the filing
14 of the petition; or (d) a licensed or registered physician, licensed
15 psychologist, licensed clinical social worker, licensed clinical profes-
16 sional counselor, clinical nurse specialist in psychiatric and mental
17 health nursing, psychiatric nurse practitioner, licensed clinical
18 marriage or family therapist who has examined the person against whom
19 the order is sought. For purposes of this article, a school administra-
20 tor's designee shall be employed at the same school as the school admin-
21 istrator and shall be any of the following who has been designated in
22 writing to file a petition with respect to the person against whom the
23 order is sought: a school teacher, school guidance counselor, school
24 psychologist, school social worker, school nurse, or other school
25 personnel required to hold a teaching or administrative license or
26 certificate, and full or part-time compensated school employee required

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

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1 to hold a temporary coaching license or professional coaching certifi-
2 cate.

3 § 2. The civil practice law and rules is amended by adding a new
4 section 6348 to read as follows:

5 § 6348. Protections for healthcare workers applying for an extreme
6 risk protection order. 1. (a) Notwithstanding the privileges set forth
7 in article forty-five of this chapter, or any other provision of law to
8 the contrary, a healthcare worker authorized pursuant to paragraph (d)
9 of subdivision two of section sixty-three hundred forty of this article
10 to file an application for an extreme risk protection order against a
11 person such healthcare worker has examined shall, upon filing any such
12 application for an extreme risk protection order, be authorized to
13 include with such application and supporting documentation any such
14 documents and records relating to diagnosis, prognosis or treatment, and
15 clinical records, of the person against whom the order is sought as are
16 necessary for the full investigation and disposition of such application
17 for an extreme risk protection order pursuant to this article.

18 (b) Any such healthcare worker identified in paragraph (a) of this
19 subdivision shall comply with all requests for records made by the
20 supreme court relating to such application, including any records or
21 documents relating to diagnosis, prognosis or treatment, and clinical
22 records, of the patient or client against whom the order is sought as
23 are necessary for the full investigation and disposition of an applica-
24 tion for an extreme risk protection order pursuant to this article.

25 2. The decision of any healthcare worker described in subdivision one
26 of this section to disclose or not to disclose records or documents
27 relating to the diagnosis, prognosis or treatment, and clinical records
28 of a patient or client pursuant to paragraphs (a) and (b) of subdivision
29 one of this section, when made reasonably and in good faith, shall
30 not be the basis for any civil or criminal liability with respect to
31 such healthcare worker.

32 § 3. This act shall take effect on the thirtieth day after it shall
33 have become a law.