STATE OF NEW YORK

1941

2021-2022 Regular Sessions

IN ASSEMBLY

January 13, 2021

Introduced by M. of A. WALKER -- read once and referred to the Committee on Codes

AN ACT to amend the mental hygiene law and the public health law, in relation to access to medical and psychiatric records of deceased inmates by the board of correction of the city of New York

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

Section 1. Paragraph 5 of subdivision (c) of section 33.13 of the mental hygiene law, as amended by a chapter of the laws of 2020 amending the mental hygiene law and the public health law relating to access to medical and psychiatric records of deceased inmates by the board of correction of the city of New York, as proposed in legislative bills numbers S. 6437-A and A. 8337-B, is amended to read as follows:

5. to the medical review board of the state commission of correction [~~or the board of correction of the city of New York~~] when such board has requested such information with respect to the death of a named person, or, with the consent of a patient or client when such board has requested information about the patient or client providing that such board requires such information in the exercise of its statutory functions, powers and duties. Information, books, records or data which are confidential as provided by law shall be kept confidential by the state commission [~~or the board of correction of the city of New York~~] and any limitation on the release thereof imposed by law upon the party furnishing the information, books, records or data shall apply to the medical review board [~~of the state commission and the board of correction of the city of New York~~].

§ 2. Subdivision (c) of section 33.13 of the mental hygiene law is amended by adding a new paragraph 18 to read as follows:

18. to the board of correction of the city of New York when such board has requested such information with respect to the death of a named person, or, with the consent of a patient or client when such board has

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

LBD07118-01-1

requested information about the patient or client providing that such board requires such information in the exercise of its functions, powers and duties. Information, books, records or data which are confidential as provided by law shall be kept confidential by the board of correction of the city of New York and any limitation on the release thereof imposed by law upon the party furnishing the information, books, records or data shall apply to the board of correction of the city of New York.

§ 3. Paragraph (o) of subdivision 1 of section 2782 of the public health law, as amended by a chapter of the laws of 2020 amending the mental hygiene law and the public health law relating to access to medical and psychiatric records of deceased inmates by the board of correction of the city of New York, as proposed in legislative bills numbers S. 6437-A and A. 8337-B, are amended to read as follows:

(o) an employee or agent of the commission of correction [~~**or the board of correction of the city of New York**~~], in accordance with paragraph (a) of subdivision two of section twenty-seven hundred eighty-six of this article, to the extent the employee or agent is authorized to access records containing such information in order to carry out the commission's functions, powers and duties with respect to the protected individual, pursuant to article three of the correction law;

§ 4. Subdivision 1 of section 2782 of the public health law is amended by adding a new paragraph (s) to read as follows:

(s) an employee or agent of the board of correction of the city of New York, in accordance with paragraph (a) of subdivision two of section twenty-seven hundred eighty-six of this article, to the extent the employee or agent is authorized to access records containing such information in order to carry out the board's functions, powers and duties with respect to the protected individual, pursuant to the charter of the city of New York.

§ 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2020 amending the mental hygiene law and the public health law relating to access to medical and psychiatric records of deceased inmates by the board of correction of the city of New York, as proposed in legislative bills numbers S. 6437-A and A. 8337-B takes effect.