STATE OF NEW YORK

3450

2021-2022 Regular Sessions

IN ASSEMBLY

January 26, 2021

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to a patient's written request to receive copies of medical records

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

Section 1. Section 17 of the public health law, as amended by chapter 165 of the laws of 1991, and the first undesignated paragraph as amended by chapter 322 of the laws of 2017, is amended to read as follows:

§ 17. Release of medical records. **1.** Upon the written request of any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the mental hygiene law, or conservator of a conservatee, an examining, consulting or treating physician or hospital must release and deliver, exclusive of personal notes of the said physician or hospital, copies of all x-rays, medical records and test records including all laboratory tests regarding that patient to any other designated physician or hospital provided, however, that such records concerning the treatment of an infant patient for venereal disease or the performance of an abortion operation upon such infant patient shall not be released or in any manner be made available to the parent or guardian of such infant, and provided, further, that original mammograms, rather than copies thereof, shall be released and delivered. Either the physician or hospital incurring the expense of providing copies of x-rays, medical records and test records including all laboratory tests pursuant to the provisions of this section may impose a reasonable charge to be paid by the person requesting the release and deliverance of such records as reimbursement for such expenses, provided, however, that the physician or hospital may not impose a charge for copying an original mammogram when the original has been released or delivered to any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the

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

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mental hygiene law, or a conservator of a conservatee and provided, further, that any charge for delivering an original mammogram pursuant to this section shall not exceed the documented costs associated therewith. However, the reasonable charge for paper copies shall not exceed seventy-five cents per page. A release of records under this section shall not be denied solely because of inability to pay. No charge may be imposed under this section for providing, releasing, or delivering medical records or copies of medical records where requested for the purpose of supporting an application, claim or appeal for any government benefit or program, provided that, where a provider maintains medical records in electronic form, it shall provide the copy in either electronic or paper form, as required by the government benefit or program, or at the patient's request.

2. Upon the written request of any competent patient, parent or guardian of an infant, a guardian appointed pursuant to article eighty-one of the mental hygiene law, or conservator of a conservatee, an examining, consulting or treating physician or hospital shall release and deliver, exclusive of personal notes of the said physician or hospital, copies of all x-rays, medical records and test records including all laboratory tests regarding that patient directly to such patient, or to the patient's attorney, authorized representative, guardian, or conservator, where applicable. The physician or hospital shall provide such records without charge to the patient, provided, however, if such patient shall request a second copy of such medical records, the physician or hospital may charge a copying fee not to exceed twenty cents per page, with the total cost not to exceed one hundred dollars, whichever is less.

3. For the purposes of this section the term "laboratory tests" shall include but not be limited to tests and examinations administered in clinical laboratories or blood banks as those terms are defined in section five hundred seventy-one of this chapter.

§ 2. This act shall take effect immediately.