

# STATE OF NEW YORK

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3450

2021-2022 Regular Sessions

## IN ASSEMBLY

January 26, 2021

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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:

1 Section 1. Section 17 of the public health law, as amended by chapter  
2 165 of the laws of 1991, and the first undesignated paragraph as amended  
3 by chapter 322 of the laws of 2017, is amended to read as follows:  
4 § 17. Release of medical records. 1. Upon the written request of any  
5 competent patient, parent or guardian of an infant, a guardian appointed  
6 pursuant to article eighty-one of the mental hygiene law, or conservator  
7 of a conservatee, an examining, consulting or treating physician or  
8 hospital must release and deliver, exclusive of personal notes of the  
9 said physician or hospital, copies of all x-rays, medical records and  
10 test records including all laboratory tests regarding that patient to  
11 any other designated physician or hospital provided, however, that such  
12 records concerning the treatment of an infant patient for venereal  
13 disease or the performance of an abortion operation upon such infant  
14 patient shall not be released or in any manner be made available to the  
15 parent or guardian of such infant, and provided, further, that original  
16 mammograms, rather than copies thereof, shall be released and delivered.  
17 Either the physician or hospital incurring the expense of providing  
18 copies of x-rays, medical records and test records including all labora-  
19 tory tests pursuant to the provisions of this section may impose a  
20 reasonable charge to be paid by the person requesting the release and  
21 deliverance of such records as reimbursement for such expenses,  
22 provided, however, that the physician or hospital may not impose a  
23 charge for copying an original mammogram when the original has been  
24 released or delivered to any competent patient, parent or guardian of an  
25 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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1 mental hygiene law, or a conservator of a conservatee and provided,  
2 further, that any charge for delivering an original mammogram pursuant  
3 to this section shall not exceed the documented costs associated there-  
4 with. However, the reasonable charge for paper copies shall not exceed  
5 seventy-five cents per page. A release of records under this section  
6 shall not be denied solely because of inability to pay. No charge may be  
7 imposed under this section for providing, releasing, or delivering  
8 medical records or copies of medical records where requested for the  
9 purpose of supporting an application, claim or appeal for any government  
10 benefit or program, provided that, where a provider maintains medical  
11 records in electronic form, it shall provide the copy in either elec-  
12 tronic or paper form, as required by the government benefit or program,  
13 or at the patient's request.

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

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

31 § 2. This act shall take effect immediately.