STATE OF NEW YORK

3633--A

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. GUNTHER, O'DONNELL, SANTABARBARA -- read once and referred to the Committee on Mental Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the mental hygiene law, in relation to authorizing the release of certain records of deceased residents of mental health facilities to family members upon written request

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

Section 1. Section 7.09 of the mental hygiene law is amended by adding a new subdivision (m) to read as follows:

(m) Notwithstanding the provisions of sections 33.13 and 33.16 of this chapter, the commissioner shall make regulations in accordance with the federal health insurance portability and accountability act of 1996, as amended, and any regulations promulgated thereunder, on the disclosure of patient information pertaining to deceased individuals who were residents of facilities operated or certified by the office. Such patient information may be provided to family members, personal representatives of the decedent, or other persons who were involved in the decedent's care or payment for care prior to the decedent's death upon written request. No provider shall disclose patient information if doing so is inconsistent with any known prior expressed preference of the decedent.

§ 2. Subdivision (c) of section 33.13 of the mental hygiene law is amended by adding a new paragraph 19 to read as follows:

19. upon written request by the health care provider of a family member of the patient, when the information requested is for the treatment of the family member. The commissioner shall make regulations to define family member for purposes of this section.

§ 3. This act shall take effect immediately; provided that section one of this act shall take effect on the one hundred eightieth day after it shall have become a law.

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

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