

STATE OF NEW YORK

554

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring consent for visual observation of patients with disabilities

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

1 Section 1. Section 296 of the executive law is amended by adding a
2 new subdivision 19-a to read as follows:

3 19-a. It shall be an unlawful discriminatory practice for any physi-
4 cian, hospital, or other health care provider to subject a patient with
5 a disability to visual observation during the course of any physical
6 examination by any person not necessary to the diagnosis or treatment of
7 such patient or any exhibition for medical education purposes, unless
8 the patient, if competent, or the parent or guardian of an infant, guar-
9 dian of a developmentally disabled person, committee for an incompetent
10 or a conservator for a conservatee has been informed by the physician,
11 hospital or health care provider of the name, position or function of
12 any personnel, including students, that are authorized to visually
13 observe any physical examination and that the patient, if competent, or
14 the parent or guardian of an infant, guardian of a developmentally disa-
15 bled person, committee for an incompetent, or conservator of a conserva-
16 tee can refuse that examination and/or observation by the personnel.

17 § 2. This act shall take effect immediately.

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

LBD01608-01-1