

# STATE OF NEW YORK

9113

## IN SENATE

May 9, 2022

Introduced by Sen. SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the civil practice law and rules, in relation to authorizing certain healthcare workers to file an application for an extreme risk protection order against a person who was examined by such healthcare worker in certain circumstances

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

1 Section 1. Subdivision 2 of section 6340 of the civil practice law and  
2 rules, as added by chapter 19 of the laws of 2019, is amended to read as  
3 follows:  
4 2. "Petitioner" means: (a) a police officer, as defined in section  
5 1.20 of the criminal procedure law, or district attorney with jurisdic-  
6 tion in the county or city where the person against whom the order is  
7 sought resides; (b) a family or household member, as defined in subdivi-  
8 sion two of section four hundred fifty-nine-a of the social services  
9 law, of the person against whom the order is sought; ~~or~~ (c) a school  
10 administrator as defined in section eleven hundred twenty-five of the  
11 education law, or a school administrator's designee, of any school in  
12 which the person against whom the order is sought is currently enrolled  
13 or has been enrolled in the six months immediately preceding the filing  
14 of the petition; or (d) a licensed or registered physician, licensed  
15 psychologist, licensed clinical social worker, licensed clinical profes-  
16 sional counselor, clinical nurse specialist in psychiatric and mental  
17 health nursing, psychiatric nurse practitioner, licensed clinical  
18 marriage or family therapist who has examined the person against whom  
19 the order is sought. For purposes of this article, a school administra-  
20 tor's designee shall be employed at the same school as the school admin-  
21 istrator and shall be any of the following who has been designated in  
22 writing to file a petition with respect to the person against whom the  
23 order is sought: a school teacher, school guidance counselor, school  
24 psychologist, school social worker, school nurse, or other school  
25 personnel required to hold a teaching or administrative license or  
26 certificate, and full or part-time compensated school employee required

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

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1 to hold a temporary coaching license or professional coaching certifi-  
2 cate.

3 § 2. The civil practice law and rules is amended by adding a new  
4 section 6348 to read as follows:

5 § 6348. Protections for healthcare workers applying for an extreme  
6 risk protection order. 1. (a) Notwithstanding the privileges set forth  
7 in article forty-five of this chapter, or any other provision of law to  
8 the contrary, a healthcare worker authorized pursuant to paragraph (d)  
9 of subdivision two of section sixty-three hundred forty of this article  
10 to file an application for an extreme risk protection order against a  
11 person such healthcare worker has examined shall, upon filing any such  
12 application for an extreme risk protection order, be authorized to  
13 include with such application and supporting documentation any such  
14 documents and records relating to diagnosis, prognosis or treatment, and  
15 clinical records, of the person against whom the order is sought as are  
16 necessary for the full investigation and disposition of such application  
17 for an extreme risk protection order pursuant to this article.

18 (b) Any such healthcare worker identified in paragraph (a) of this  
19 subdivision shall comply with all requests for records made by the  
20 supreme court relating to such application, including any records or  
21 documents relating to diagnosis, prognosis or treatment, and clinical  
22 records, of the patient or client against whom the order is sought as  
23 are necessary for the full investigation and disposition of an applica-  
24 tion for an extreme risk protection order pursuant to this article.

25 2. The decision of any healthcare worker described in subdivision one  
26 of this section to disclose or not to disclose records or documents  
27 relating to the diagnosis, prognosis or treatment, and clinical records  
28 of a patient or client pursuant to paragraphs (a) and (b) of subdivision  
29 one of this section, when made reasonably and in good faith, shall  
30 not be the basis for any civil or criminal liability with respect to  
31 such healthcare worker.

32 § 3. This act shall take effect on the thirtieth day after it shall  
33 have become a law.