STATE OF NEW YORK

10566

IN ASSEMBLY

July 6, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Burke) -- read once and referred to the Committee on Codes

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:

Section 1. Subdivision 2 of section 6340 of the civil practice law and rules, as added by chapter 19 of the laws of 2019, is amended to read as follows:

2. "Petitioner" means: (a) a police officer, as defined in section 1.20 of the criminal procedure law, or district attorney with jurisdiction in the county or city where the person against whom the order is sought resides; (b) a family or household member, as defined in subdivision two of section four hundred fifty-nine-a of the social services law, of the person against whom the order is sought; [~~or~~] (c) a school administrator as defined in section eleven hundred twenty-five of the education law, or a school administrator's designee, of any school in which the person against whom the order is sought is currently enrolled or has been enrolled in the six months immediately preceding the filing of the petition**; or (d) a licensed or registered physician, licensed psychologist, licensed clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage or family therapist who has examined the person against whom the order is sought**. For purposes of this article, a school administrator's designee shall be employed at the same school as the school administrator and shall be any of the following who has been designated in writing to file a petition with respect to the person against whom the order is sought: a school teacher, school guidance counselor, school psychologist, school social worker, school nurse, or other school personnel required to hold a teaching or administrative license or 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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to hold a temporary coaching license or professional coaching certificate.

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

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

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

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

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