STATE OF NEW YORK

5476

2021-2022 Regular Sessions

IN SENATE

March 8, 2021

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

AN ACT to amend the executive law, in relation to creating a statewide database for unidentified living persons

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

Section 1. The executive law is amended by adding a new section 837-w to read as follows:

§ 837-w. Statewide database for unidentified living persons. 1. There is hereby established within the division a statewide database for unidentified living persons (the "database") to provide protocols to assist hospitals in identifying unidentified patients and to provide a standardized process of reacting to requests for information from police and family members of missing persons.

2. For the purposes of this section an "unidentified patient" means a person who is brought to the emergency department of a hospital or otherwise admitted to a hospital without any identification and is not able to self-identify or is unknown to hospital staff or the person or person who delivered or accompanied the patient to the hospital.

3. (a) Where a hospital is unable to identify a patient, the hospital staff shall collect the identifying information set forth in this subdivision and transmit such information to the division to log into the database.

(b) Identifying information shall include, but shall not be limited to:

(i) photographs of the unidentified individual;

(ii) the location of the hospital where the individual was brought; and

(iii) information allowed by the Health Insurance Portability and Accountability Act of 1996 (45CFR § 164.501 et seq.) for identification purposes including:

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

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(A) blood type;
(B) type of injury;
(C) date and time of treatment; and
(D) description of distinguishing physical characteristics (sex, height/weight, hair/skin/eye color, tattoos, scars, etc.).

4. (a) The division shall log any identifying information into the database created by this section and shall compare such information to the state and national missing person databases including those created by sections eight hundred thirty-seven-e, eight hundred thirty-seven-f and eight hundred thirty-seven-f-1 of this article and the National Missing and Unidentified Persons System created by the Office of Justice Programs' National Institute of Justice. The division shall notify local law enforcement of potential matches of unidentified patients with missing persons in such databases.

(b) Each hospital shall designate specific hospital staff members who shall have access to the database and who shall be authorized to provide information to law enforcement or family members who inquire regarding a missing person. Such person shall also be responsible for monitoring incoming requests and reports regarding missing persons. The designated staff member shall adhere to protocols adopted by the hospital for providing information to law enforcement or family members to identify patients, including conforming to HIPAA and other privacy and confidentiality laws.

§ 2. This act shall take effect immediately.