STATE OF NEW YORK

7450

2023-2024 Regular Sessions

IN SENATE

May 26, 2023

Introduced by Sen. MANNION -- (at request of the Office for People with Developmental Disabilities) -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the mental hygiene law, in relation to the release of patient or client clinical records to correctional facilities or a public health authority

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

Section 1. Paragraph 10 of subdivision (c) of section 33.13 of the mental hygiene law, as amended by chapter 322 of the laws of 2021, is amended to read as follows:

10. to a correctional facility, when the chief administrative officer has requested such information with respect to a named incarcerated individual of such correctional facility as defined by subdivision three of section forty of the correction law or to the department of corrections and community supervision, when the department has requested such information with respect to a person under its jurisdiction or an incarcerated individual of a state correctional facility, when such incarcerated individual is within four weeks of release from such institution [~~to community supervision~~]. **However, clinical records in the possession of the office for people with developmental disabilities may be disclosed to the correctional facility or the department of corrections and community supervision when such incarcerated individual is within nine months of release from such institution. Clinical records in the possession of the office for people with developmental disabilities may be disclosed to a correctional facility and/or the department of corrections and community supervision when a named person who receives or is eligible to receive services that are operated, certified, funded or approved by the office for people with development disabilities has entered or will enter the custody of a correctional facility, to the extent necessary to facilitate the conti-**

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

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nuity of appropriate services. Information released pursuant to this paragraph may be limited to a summary of the record, including but not limited to: the basis for referral to the facility; the diagnosis upon admission and discharge; a diagnosis and description of the patient's or client's current mental condition; the current course of treatment, medication and therapies; and the facility's recommendation for future mental hygiene services, if any. Such information may be forwarded to the department of corrections and community supervision staff in need of such information for the purpose of making a determination regarding an incarcerated individual's health care, security, safety or ability to participate in programs. In the event an incarcerated individual is transferred, the sending correctional facility shall forward, upon request, such summaries to the chief administrative officer of any correctional facility to which the incarcerated individual is subsequently incarcerated. The office of mental health and the office for people with developmental disabilities, in consultation with the commission of correction and the department of corrections and community supervision, shall promulgate rules and regulations to implement the provisions of this paragraph.

§ 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. to a public health authority, as defined in 45 CFR 164.501, that is authorized by law to collect or receive such information for the purpose of preventing or controlling disease, injury, or disability, for the purpose of preventing or controlling a public health emergency.

§ 3. This act shall take effect immediately.