

# STATE OF NEW YORK

8967

## IN SENATE

April 3, 2024

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to allowing direct descendants of a patient who has been deceased for a period of fifty years or longer to access such patient's clinical records

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

1 Section 1. Paragraph 6 of subdivision (a) of section 33.16 of the  
2 mental hygiene law, as amended by chapter 233 of the laws of 2017, is  
3 amended to read as follows:

4 6. "Qualified person" means any properly identified patient or client,  
5 guardian of a person with a developmental disability appointed pursuant  
6 to article seventeen-A of the surrogate's court procedure act, or  
7 committee for an incompetent appointed pursuant to this chapter or a  
8 parent of an infant, or a guardian of an infant appointed pursuant to  
9 article seventeen of the surrogate's court procedure act or other legal-  
10 ly appointed guardian of an infant who may be entitled to request access  
11 to a clinical record pursuant to paragraph three of subdivision (b) of  
12 this section, or a parent, spouse, adult child, or adult sibling of an  
13 adult patient or client who may be entitled to request access to a clinical  
14 record pursuant to paragraph four of subdivision (b) of this  
15 section, or a direct descendant of a former patient or client who has  
16 been deceased for a period of fifty years or longer.

17 § 2. This act shall take effect immediately.

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

LBD15122-01-4