STATE OF NEW YORK

8292

2023-2024 Regular Sessions

IN ASSEMBLY

November 27, 2023

Introduced by M. of A. BURKE -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the central healthcare data system

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

Section 1. The public health law is amended by adding a new section 18-c to read as follows:

§ 18-c. Central healthcare data system. 1. For the purposes of this section:

(a) The term "authorized user" shall mean any person or entity authorized by a patient to provide information on such patient to or to receive information about such patient from the central healthcare data system and shall include, but not be limited to, health care providers and their designees, registered professional nurses, and pharmacists. An authorized user may be located outside New York state. An entity shall be an authorized user only with respect to their patients who have authorized access to such patients' information within the system.

(b) The term "central healthcare data system" or "system" shall mean a statewide computerized database maintained by the department capable of collecting, storing, and disclosing electronic and paper medical records and information.

(c) The term "patient" shall mean a person seeking or receiving a health care service from the health care provider.

2. The department is hereby directed to establish a central healthcare data system that shall:

(a) collect medical records and information from and distribute medical records and information to authorized users to ensure such authorized users are aware of a patient's entire medical history so as to ensure the highest quality of health care is provided;

(b) establish the public health infrastructure necessary to obtain, collect, preserve, and disclose medical records and information; and

(c) protect the confidentiality of an individual's identifying information and the privacy of persons included in the system.

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

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3. (a) All authorized users shall provide all medical records and information on their patients to the central healthcare data system within fourteen days of such medical records and information being created.

(b) All authorized users shall retrieve all medical records and information on their patients from the central healthcare data system before providing any healthcare services; provided, however, an authorized user shall retrieve all medical records and information on their patients from the central healthcare data system within twenty-four hours of beginning to provide any healthcare services where emergency healthcare services were required to protect the life and well-being of the patient.

4. (a) All information maintained by the department under the provisions of this section shall be confidential except as necessary to carry out the provisions of this section and shall not be released for any other purpose.

(b) No authorized user to whom medical records and information is furnished by the system shall divulge any part thereof, except insofar as such disclosure is necessary for the best interests of the patient, consistent with the purposes of this section.

5. Submission of incomplete medical records and information shall not prohibit entry of incomplete but viable data into the system. All authorized users shall provide the department with additional or clarifying information upon request reasonably related to the purposes of this section.

6. (a) Access and use of the system shall be limited to authorized users. The commissioner shall provide a method by which authorized users shall apply for access to the system.

(b) The commissioner may judge the legitimacy of any request for access and use of the system and may refuse such access and use based on the authenticity of the request, credibility of the authorized user or other reasons as provided for by the commissioner.

7. Any patient, or his or her parent, or guardian, or other person in parental or custodial relation for persons under the age of eighteen, who has any medical records and information in the system may request a copy of such medical records and information according to procedures established by the commissioner.

8. The commissioner shall promulgate regulations as necessary to effectuate the provisions of this section. Such regulations shall include provisions for orderly implementation and operation of the system, including the method by which each category of authorized user may access the system. Access standards shall include at a minimum a method for assigning and authenticating each user identification and password assigned.

9. No authorized user shall be subjected to civil or criminal liability, or be deemed to have engaged in unprofessional conduct, for reporting to, receiving from, or disclosing information relating to the system when made reasonably and in good faith and in accordance with the provisions of this section or any regulation adopted thereto.

§ 2. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.