STATE OF NEW YORK

6936

2023-2024 Regular Sessions

IN SENATE

May 16, 2023

Introduced by Sen. STAVISKY -- (at request of the State Education Department) -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law, in relation to access to patient or client records in the investigation and prosecution of professional licensing and misconduct proceedings

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

Section 1. Subdivision 8 of section 6506 of the education law, as amended by chapter 866 of the laws of 1980, is amended to read as follows:

(8) Designate a professional conduct officer, who shall be the chief administrative officer of the office of the professions, or his **or her** designee, in connection with professional licensing and misconduct proceedings and criminal matters, such officer to be empowered to issue subpoenas and administer oaths in connection with such proceedings**. Notwithstanding any provision of law to the contrary, such professional conduct officer, or his or her representatives, may examine and obtain unredacted records of patients or clients in the possession of any health care facility which treated the patients or clients or the professional office of a licensed professional who treated the patients or clients without the consent of the patients or clients in connection with any investigation or proceeding conducted by the department under this title where such investigation or proceeding is in response to a complaint alleging conduct constituting professional misconduct pursuant to this title. Such records shall be confidential during the course of such investigation and during the course of any proceeding or conference conducted by the department and shall not be further disclosed to anyone not authorized by the department to participate in such investigation, proceeding, or conference unless express consent is obtained from the patient or client. The name of such patient or client shall not be**

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

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disclosed in any such investigation, conference, or proceeding unless the patient or client has expressly consented or unless authorized by law. Any other use or dissemination of information from such records by any person by any means, unless it is pursuant to a valid court order or otherwise authorized by law, shall be prohibited;

§ 2. This act shall take effect immediately.