

# STATE OF NEW YORK

3838--A

Cal. No. 657

2025-2026 Regular Sessions

## IN SENATE

January 30, 2025

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law, in relation to the release of medical records in an electronic format

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

1 Section 1. Subdivision 2 of section 18 of the public health law is  
2 amended by adding two new paragraphs (j) and (k) to read as follows:

3 (j) Subject to the provisions of subdivision three of this section,  
4 upon the request of a qualified person, all electronic medical records  
5 required to be released pursuant to this section shall be made available  
6 to qualified persons in an electronic format through a web portal and  
7 such records shall be provided in a format that allows qualified persons  
8 to save the records to their own device.

9 (k) Within one hundred eighty days of the effective date of this para-  
10 graph, the department shall establish rules and regulations, consistent  
11 with state and federal law and regulations, requiring any electronic  
12 medical records system to:

13 (i) be developed with the capability to enable qualified persons  
14 access to such records in a single, secure electronic format for saving  
15 to their own device and which may be updated automatically by the  
16 provider; and

17 (ii) establish appropriate policies and procedures to ensure that all  
18 applicable state and federal laws to protect the confidentiality of  
19 individual medical records, including electronic medical records, are  
20 followed.

21 § 2. This act shall take effect on the one hundred eightieth day after  
22 it shall have become a law.

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

LBD08155-02-5