STATE OF NEW YORK

8532

2025-2026 Regular Sessions

IN SENATE

October 17, 2025
_____

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the mental hygiene law, in relation to authorizing the release of certain records of deceased residents of mental health facilities to family members upon written request

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

1   Section 1. Section 7.09 of the mental hygiene law is amended by adding
2 a new subdivision (n) to read as follows:
3   (n) Notwithstanding the provisions of sections 33.13 and 33.16 of this
4 chapter, the commissioner shall make regulations in accordance with the
5 federal health insurance portability and accountability act of 1996, as
6 amended, and any regulations promulgated thereunder, on the disclosure
7 of patient information pertaining to deceased individuals who were resi-
8 dents of facilities operated or certified by the office. Such patient
9 information may be provided to family members, personal representatives
10 of the decedent, or other persons who were involved in the decedent's
11 care or payment for care prior to the decedent's death upon written
12 request. No provider shall disclose patient information if doing so is
13 inconsistent with any known prior expressed preference of the decedent.
14   § 2. Subdivision (c) of section 33.13 of the mental hygiene law is
15 amended by adding a new paragraph 19 to read as follows:
16   19. upon written request by the health care provider of a family
17 member of the patient, when the information requested is for the treat-
18 ment of the family member. The commissioner shall make regulations to
19 define family member for purposes of this section.
20   § 3. This act shall take effect immediately; provided that section one
21 of this act shall take effect on the one hundred eightieth day after it
22 shall have become a law.

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

LBD08467-01-5