

STATE OF NEW YORK

2348

2025-2026 Regular Sessions

IN ASSEMBLY

January 16, 2025

Introduced by M. of A. McDONALD, ZINERMAN, HUNTER, STIRPE, BENDETT, K. BROWN, McDONOUGH, NOVAKHOV, JACKSON, BUTTENSCHON, KELLES -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to requiring providers to share electronic health records with plans

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

1 Section 1. Section 2803 of the public health law is amended by adding
2 a new subdivision 15 to read as follows:

3 15. (a) The commissioner shall require every general hospital subject
4 to this article to timely share electronic medical records to utiliza-
5 tion review agents for purposes of article forty-nine of this chapter
6 and article forty-nine of the insurance law. Nothing contained herein
7 shall prohibit a health care plan from entering into an agreement with a
8 health care provider for the sharing and transmission of electronic
9 medical records pursuant to this section.

10 (b) Records disclosed pursuant to paragraph (a) of this subdivision
11 shall:

12 (i) be used exclusively for individual claim/care review and adjudi-
13 cation and shall not be used for any auditing function or to detect any
14 historical patterns of billing or abuse;

15 (ii) include the entire medical record and not exclude data which may
16 limit access to admission, discharge, and treatment information; and

17 (iii) not be used by health plans to separately request additional
18 information to support a coverage determination if the information is
19 otherwise available in an electronic medical record.

20 (c) Health plans utilizing electronic medical records under this
21 subdivision shall not seek information that they are not already permit-
22 ted to receive. Health plans shall prioritize the safeguarding of their
23 insureds' data, including their protected health information and
24 personally identifiable information. To the extent feasible and neces-

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

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1 sary, health plans shall also seek to be Health Information Trust Alli-
2 ance (HITRUST) certified, which requires demonstrating and following
3 global standards for data security and privacy compliance.

4 § 2. Paragraph (g) of subdivision 1 of section 4902 of the public
5 health law, as added by chapter 705 of the laws of 1996, is amended to
6 read as follows:

7 (g) Establishment of appropriate policies and procedures to ensure
8 that all applicable state and federal laws to protect the confidentiali-
9 ty of individual medical records, including electronic medical records,
10 are followed;

11 § 3. Subdivision 7 of section 4905 of the public health law, as
12 amended by section 6 of subpart C of part AA of chapter 57 of the laws
13 of 2022, is amended to read as follows:

14 7. When making prospective, concurrent and retrospective determi-
15 nations, utilization review agents shall collect only such information
16 as is necessary to make such determination and shall not routinely
17 require health care providers to numerically code diagnoses or proce-
18 dures to be considered for certification or routinely request copies of
19 medical records of all patients reviewed. During prospective or concur-
20 rent review, copies of medical records shall only be required when
21 necessary to verify that the health care services subject to such review
22 are medically necessary. In such cases, only the necessary or relevant
23 sections of the medical record shall be required. A utilization review
24 agent may request copies of partial or complete medical records retros-
25 pectively. Medical records requested by utilization review agents for
26 purposes of this subdivision shall be made available electronically by
27 health care providers pursuant to subdivision fifteen of section twen-
28 ty-eight hundred three of this chapter and shall permit utilization
29 review agents direct access to retrieve such records directly.

30 § 4. Paragraph 7 of subsection (a) of section 4902 of the insurance
31 law, as added by chapter 705 of the laws of 1996, is amended to read as
32 follows:

33 (7) Establishment of appropriate policies and procedures to ensure
34 that all applicable state and federal laws to protect the confidentiali-
35 ty of individual medical records, including electronic medical records,
36 are followed;

37 § 5. Subsection (g) of section 4905 of the insurance law, as amended
38 by section 5 of subpart C of part AA of chapter 57 of the laws of 2022,
39 is amended to read as follows:

40 (g) When making prospective, concurrent and retrospective determi-
41 nations, utilization review agents shall collect only such information
42 as is necessary to make such determination and shall not routinely
43 require health care providers to numerically code diagnoses or proce-
44 dures to be considered for certification or routinely request copies of
45 medical records of all patients reviewed. During prospective or concur-
46 rent review, copies of medical records shall only be required when
47 necessary to verify that the health care services subject to such review
48 are medically necessary. In such cases, only the necessary or relevant
49 sections of the medical record shall be required. A utilization review
50 agent may request copies of partial or complete medical records retros-
51 pectively. Medical records requested by utilization review agents for
52 purposes of this subsection shall be made available electronically by
53 health care providers pursuant to subdivision fifteen of section twen-
54 ty-eight hundred three of the public health law.

55 § 6. This act shall take effect immediately.