

# STATE OF NEW YORK

7981

2025-2026 Regular Sessions

## IN ASSEMBLY

April 16, 2025

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Insurance

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

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

1 Section 1. Section 3217-b of the insurance law is amended by adding a  
2 new subsection (p) to read as follows:

3 (p) A contract between an insurer and a hospital shall include a  
4 provision that provides for medical records requested by the insurer or  
5 its utilization review agent to be made available electronically by the  
6 hospital in accordance with subdivision fifteen of section twenty-eight  
7 hundred three of the public health law, including direct access by the  
8 insurer or its utilization review agent to retrieve such records to  
9 perform utilization review pursuant to title one of article forty-nine  
10 of this chapter.

11 § 2. Section 4325 of the insurance law is amended by adding a new  
12 subsection (p) to read as follows:

13 (p) A contract between a corporation and a hospital shall include a  
14 provision that provides for medical records requested by the corporation  
15 or its utilization review agent to be made available electronically by  
16 the hospital in accordance with subdivision fifteen of section twenty-  
17 eight hundred three of the public health law, including direct access by  
18 the corporation or its utilization review agent to retrieve such records  
19 to perform utilization review pursuant to title one of article forty-  
20 nine of this chapter.

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

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

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1 (g) When making prospective, concurrent and retrospective determi-  
2 nations, utilization review agents shall collect only such information  
3 as is necessary to make such determination and shall not routinely  
4 require health care providers to numerically code diagnoses or proce-  
5 dures to be considered for certification or routinely request copies of  
6 medical records of all patients reviewed. During prospective or concur-  
7 rent review, copies of medical records shall only be required when  
8 necessary to verify that the health care services subject to such review  
9 are medically necessary. In such cases, only the necessary or relevant  
10 sections of the medical record shall be required. A utilization review  
11 agent may request copies of partial or complete medical records retros-  
12 pectively. Medical records requested by utilization review agents for  
13 purposes of this subsection shall be provided electronically by partic-  
14 ipating hospitals pursuant to subdivision fifteen of section twenty-  
15 eight hundred three of the public health law.

16 § 4. Section 4406-c of the public health law is amended by adding a  
17 new subdivision 14 to read as follows:

18 14. A contract between a health care plan and a hospital shall include  
19 a provision that provides for medical records requested by the health  
20 care plan or its utilization review agent to be made available electron-  
21 ically by the hospital in accordance with subdivision fifteen of section  
22 twenty-eight hundred three of this chapter, including direct access by  
23 the health care plan or its utilization review agent to retrieve such  
24 records to perform utilization review pursuant to title one of article  
25 forty-nine of this chapter.

26 § 5. Section 2803 of the public health law is amended by adding a new  
27 subdivision 15 to read as follows:

28 15. (a) The commissioner shall require every general hospital subject  
29 to this article that participates in a health care plan's provider  
30 network to timely share electronic medical records with such health care  
31 plan or their utilization review agent for purposes of utilization  
32 review performed pursuant to article forty-nine of this chapter or arti-  
33 cle forty-nine of the insurance law. Such sharing and transmission of  
34 electronic medical records shall be set forth in the contract between  
35 the health care plan and the general hospital, in accordance with the  
36 requirements of this subdivision.

37 (b) Records disclosed pursuant to paragraph (a) of this subdivision  
38 shall:

39 (i) be used exclusively for individual claim care review, adjudication  
40 and to promote patient privacy and shall not be used for any auditing  
41 function or to detect any historical patterns of billing or abuse;

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

44 (iii) not be used by a health care plan to separately request addi-  
45 tional information to support a coverage determination if the informa-  
46 tion is otherwise available in an electronic medical record.

47 (c) A health care plan using electronic medical records under this  
48 subdivision shall not seek information that they are not already permit-  
49 ted to receive. Health care plans shall prioritize the safeguarding of  
50 their enrollees' data, including their protected health information and  
51 personally identifiable information, and must implement interoperability  
52 protocols that ensure different billing systems promote access to  
53 records. To the extent feasible and necessary, health care plans shall  
54 also seek to be Health Information Trust Alliance (HITRUST) certified,  
55 which requires demonstrating and following global standards for data  
56 security and privacy compliance.

1 (d) For purposes of this subdivision, "health care plan" means a  
2 health maintenance organization certified pursuant to article forty-four  
3 of this chapter, an insurer licensed to write accident and health insur-  
4 ance pursuant to article thirty-two of the insurance law, a corporation  
5 organized pursuant to article forty-three of the insurance law, a munic-  
6 ipal cooperative health benefit plan certified pursuant to article  
7 forty-seven of the insurance law, or a student health plan established  
8 or maintained pursuant to section one thousand one hundred twenty-four  
9 of the insurance law.

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

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

28 § 7. This act shall take effect on the ninetieth day after it shall  
29 have become a law; provided that sections one, two and four of this act  
30 shall apply to contracts issued, renewed, modified, altered or amended  
31 on or after such date.