

STATE OF NEW YORK

8369

2025-2026 Regular Sessions

IN SENATE

June 5, 2025

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 Rules

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:

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

4 (8) Designate a professional conduct officer, who shall be the chief
5 administrative officer of the office of the professions, or [~~his~~] such
6 chief administrative officer's designee, in connection with professional
7 licensing and misconduct proceedings and criminal matters, such officer
8 to be empowered to issue subpoenas and administer oaths in connection
9 with such proceedings. Notwithstanding any provision of law to the
10 contrary, such professional conduct officer, or such professional
11 conduct officer's representatives, may examine and obtain unredacted
12 records of patients or clients in the possession of any health care
13 facility which treated the patients or clients or the professional
14 office of a licensed professional who treated the patients or clients
15 without the consent of the patients or clients in connection with any
16 investigation or proceeding conducted by the department under this title
17 where such investigation or proceeding is in response to a complaint
18 alleging conduct constituting professional misconduct pursuant to this
19 title. Such records shall be confidential during the course of such
20 investigation and during the course of any proceeding or conference
21 conducted by the department and shall not be further disclosed to anyone
22 not authorized by the department to participate in such investigation,
23 proceeding, or conference unless express consent is obtained from the

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

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1 patient or client. The name of such patient or client shall not be
2 disclosed in any such investigation, conference, or proceeding unless
3 the patient or client has expressly consented or unless authorized by
4 law. Any other use or dissemination of information from such records by
5 any person by any means, unless it is pursuant to a valid court order or
6 otherwise authorized by law, shall be prohibited;

7 § 2. This act shall take effect immediately.