**§ 33.23 Incident notifications and reports.**

(a) The director of a facility, as defined in subdivision six of section 1.03 of this chapter, shall provide telephone notice of an incident involving a patient receiving care and treatment at such facility to a qualified person, as defined in paragraph six of subdivision (a) of section 33.16 of this article. Such notice shall be provided within twenty-four hours of the initial report of such incident. For the purposes of this section, "incident" shall mean an accident or injury that affects the health or safety of a patient. Upon the request of a qualified person, the director shall within ten days of such request, provide to the qualified person a copy of the written incident report, provided that the names and other personally identifying information of patients and employees shall not be included unless such patients and employees authorize disclosure, offer to hold a meeting with such qualified person to further discuss the incident, and provide such qualified person with a written report on the actions taken to address the incident. The director may offer to provide all reports to the qualified person electronically.

(b) Whenever federal law or applicable federal regulations restrict, or as a condition for the receipt of federal aid require, that the release of records or information pursuant to this section be more restrictive than is provided under this section, the provisions of federal law or regulations shall be controlling.