§ 33.25 Release of records pertaining to allegations and investigations of abuse and mistreatment.

(a) Records and documents pertaining to allegations and investigations into reportable incidents at a facility, as defined in subdivision six of section 1.03 of this chapter, including but not limited to all complaints and reports made pursuant to article eleven of the social services law, shall be released to a qualified person, as defined in paragraph six of subdivision (a) of section 33.16 of this article, upon a written request by such qualified person. Such records and documents shall be made available by the appropriate office within twenty-one days of the conclusion of its investigation, provided that the names and other personally identifying information of other patients and employees shall not be included unless such patients and employees authorize disclosure.

(b) Records and reports released in accordance with this section shall be released pursuant to subdivision (b) of section 33.23 of this article and shall not be further disseminated by the recipient, provided that a recipient may share any records and reports with: (i) a health care provider; (ii) a behavioral health care provider; (iii) law enforcement if the recipient believes a crime has been committed; or (iv) the recipient's attorney.

(c) A cover letter shall accompany records and reports released in accordance with this section and shall state: PURSUANT TO SECTION 33.25 OF THE MENTAL HYGIENE LAW, THE ATTACHED RECORDS AND REPORTS SHALL NOT BE FURTHER DISSEMINATED, EXCEPT THAT YOU MAY SHARE THE REPORT WITH: (i) A HEALTH CARE PROVIDER; (ii) A BEHAVIORAL HEALTH CARE PROVIDER; (iii) LAW ENFORCEMENT, IF YOU BELIEVE A CRIME HAS BEEN COMMITTED; OR (iv) YOUR ATTORNEY.

(d) Nothing in this section shall prohibit the receipt, use or dissemination of any such records, reports, information or results of investigations or inquiry by any patient, former patient, or qualified person or person or official specified in paragraph (i), (ii), (iii) or (iv) of subdivision (b) of this section acting on behalf of any patient, former patient or patient's estate, in any legal action or proceeding brought by or on behalf of such patient, former patient or patient's estate.