§ 2995. Structure and definitions. 1. Structure. * (a) The department shall undertake an initiative for the purposes of increasing the information available to patients about health care providers and health care plans, and improving the quality of health care in this state, by creating a statewide health information system, collecting health information for dissemination by means of such system, and studying additional uses of such information. Such moneys as may be necessary to effect the purpose of this section may be appropriated to the department for its expenses.

* NB Effective until March 31, 2029

* (a) The department shall undertake an initiative for the purposes of increasing the information available to patients about health care providers and health care plans, and improving the quality of health care in this state, by creating a statewide health information system, collecting health information for dissemination by means of such system, and studying additional uses of such information. Such moneys as may be necessary to effect the purpose of this section may be appropriated to the department for its expenses, but in no event shall funds be diverted from existing uses of the office of professional medical conduct in order to fulfill the purposes of this section.

* NB Effective March 31, 2029

(b) The department shall promulgate rules for the purpose of implementing the provisions of this title.

2. Definitions. For the purposes of this title:

(a) "Health care plan" shall mean a health maintenance organization, as defined by subdivision one of section forty-four hundred one of this chapter, a health service corporation licensed pursuant to article forty-three of the insurance law, a prepaid health services plan licensed pursuant to section forty-four hundred three-a of this chapter, or an integrated delivery system licensed pursuant to section forty-four hundred eight-a of this chapter.

(b) "Health information" shall mean physician data, hospital data, and health care plan data, to the extent such data is disclosable pursuant to any provision of law. Such term shall not include individual patient data, except to the extent such data is disclosable pursuant to any other provision of law.

(c) "Individual patient data" shall mean any information concerning an individual patient, whether held orally or recorded in any form or medium, including, but not limited to, information derived from a biological sample from the patient, the sample itself or genetic information that:

(i) relates to the physical or mental health of the patient, the provision of health care to the patient, or the payment for the provision of health care to the patient; and

(ii) (A) identifies the individual patient;

(B) could forseeably be used or manipulated to identify the individual patient; or

(C) could forseeably be linked or matched to any other information described in clause (A) or (B) of this subparagraph.

(d) "Statewide health information system" shall mean a collection of health information to be publicly available on an ongoing basis for the purpose of making statewide comparisons.

(e) "Preferred provider organization data" shall mean data collected from an insurance company subject to article thirty-two of the insurance law, a corporation subject to article forty-three of the insurance law, or a municipal cooperative health benefit plan certified pursuant to article forty-seven of the insurance law, with respect to preferred provider organization (PPO) products, as defined by the commissioner in consultation with the superintendent, offered by such entities.

(f) "Health care practitioner" shall mean a physician, nurse practitioner, or physician assistant licensed or certified pursuant to title eight of the education law.

(g) "Sudden unexpected death in epilepsy" shall mean sudden, unexpected death in patients with epilepsy, with or without evidence of a seizure.