

# STATE OF NEW YORK

4100

2013-2014 Regular Sessions

## IN ASSEMBLY

January 30, 2013

Introduced by M. of A. WEISENBERG, JAFFEE, MONTESANO, BENEDETTO, McKEVITT, COLTON, HIKIND, DUPREY, GUNTHER, ABINANTI, HOOPER, LAVINE, SCHIMMEL, MILLER, SWEENEY, GRAF, WEPRIN, ZEBROWSKI, RAIA, MILLMAN, GABRYSZAK, COOK, MAISEL, SCARBOROUGH, GIBSON -- Multi-Sponsored by -- M. of A. ARROYO, AUBRY, BOYLAND, CORWIN, GALEF, GOTTFRIED, JOHNS, JORDAN, McLAUGHLIN, OAKS, RA, THIELE -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to the further dissemination of records pertaining to allegations and investigations of abuse and mistreatment at a facility to certain persons

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

1 Section 1. Subdivision (b) of section 33.25 of the mental hygiene law,  
2 as added by chapter 24 of the laws of 2007, is amended and two new  
3 subdivisions (c) and (d) are added to read as follows:

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

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

18 (d) Nothing in this section shall prohibit the receipt, use or dissem-  
19 ination of any such records, reports, information or results of investi-

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

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1 gations or inquiry by any patient, former patient, or qualified person  
2 or person or official specified in paragraph (i), (ii), (iii) or (iv) of  
3 subdivision (b) of this section acting on behalf of any patient, former  
4 patient or patient's estate, in any legal action or proceeding brought  
5 by or on behalf of such patient, former patient or patient's estate.  
6 § 2. This act shall take effect immediately.