



NEW YORK STATE SENATOR

Gustavo Rivera

## State Senator Gustavo Rivera and Assemblymember Michael Blake's Legislation To Ensure A Family Member or Caretaker Of An Incarcerated Person Is Able To Access Their Loved Ones' Medical Information Passes The Legislature

GUSTAVO RIVERA June 13, 2016

| ISSUE: **CRIMINAL JUSTICE, CRIMINAL JUSTICE REFORM, MEDICAL AUTHORIZATION FORM**

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**PRESS CONTACT:** Valeria Munt [munt@nysenate.gov](mailto:munt@nysenate.gov)

(Albany, NY)- Last week, the bill (S6892/A9406) recently re-introduced in both the New York State Senate and the New York State Assembly by State Senator Gustavo Rivera and Assembly Member Michael Blake respectively and that requires the Department of Correction and Community Supervision (DOCCS) to provide incarcerated individuals with a form authorizing the disclosure of medical and mental health treatment information and to provide a signed original of such form to the appointed person selected by the incarcerated individual, passed both legislative houses. This bill has now been sent to Governor Cuomo's desk for signature.

After a former version of this bill was vetoed last year, Governor Cuomo ordered that DOCCS review the current medical authorization form to ensure that an incarcerated individual's medical and mental health information is updated on a regular basis, while being

accessible in times of emergencies. It also mandated DOCCS to provide the Authorization for Release of Health Information Form upon admission and for the form to be placed in the incarcerated individual's personal medical record. Finally, it mandated that copies of this form be properly maintained in all of its facilities' law libraries. However, this purpose of this bill is to take these provisions and codify them into law.

"While last year's administrative directives ordered by Governor Cuomo were steps in the right direction to ensure that DOCCS maintains an updated and readily accessible medical and mental health authorization form from an incarcerated individual; this bill aims to go a step further and codify these critical measures into law and allow the family or the caretaker of an incarcerated individual to be a source of information and support for both their loved one and DOCCS in times of medical emergencies," said State Senator Gustavo Rivera. "I urge Governor Cuomo to enact this bill into law which will effectively reform our State's criminal justice system so it serves all New Yorkers with fairness and compassion."

"No matter where an individual is, incarcerated or not, a family deserves to know the mental and physical status of its members. It is imperative that incarcerated individuals, especially the 10,000 incarcerated young people under the age of 25 have access to the best care possible. Allowing family members access to incarcerated person's health treatment information will help deliver this high quality of care and ensure that all members of our society get the healthcare they need" said Assembly Member Michael Blake.

In the past, the processes by which medical disclosure forms have been distributed has often caused many family members or caretakers of incarcerated individuals to face significant obstacles in receiving information about health and medical treatment of their loved ones while they are in the correctional system because disclosure forms signed may have expired, may never have been signed, may have been difficult to obtain, or may not have traveled

with the individual.

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#### RELATED LEGISLATION

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## 2015-S6892

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Vetoed By Governor
- Signed By Governor
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Relates to medical authorization forms to disclose private medical information for people in the custody of the department of corrections and community supervision

March 03, 2016

Senate Floor Calendar

Sponsored by **Gustavo Rivera**

Do you support this bill?