



STATE OF NEW YORK

**DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION**

THE HARRIMAN STATE CAMPUS – BUILDING 2

1220 WASHINGTON AVENUE

ALBANY, N.Y. 12226-2050

**BRIAN FISCHER**  
COMMISSIONER

**MEMORANDUM**

**TO:** Superintendents  
Facility Health Services Directors  
Nurse Administrators

**FROM:** Carl J. Koenigsmann, M.D., Deputy Commissioner/Chief Medical Officer *Koenigsmann MD*  
Maureen E. Boll, Deputy Commissioner and Counsel

**DATE:** January 6, 2012

**SUBJECT:** Release of Medical Information

---

Due to a recent court decision addressing the release of medical records, the following process will now apply:

- Medical record copies can be requested under FOIL or Public Health Law Section 18.
- All requests for medical record copies will be referred to and be processed by Health Services staff consistent with existing privacy requirements. A valid HIPAA authorization is needed to release medical records to a third party.
- Starting immediately, whether requested under FOIL or Public Health Law Section 18, the cost per page for medical record copies is **25¢** per page.
- When requested by the patient-offender or “qualified person” (guardian, health care agent or Power of Attorney) access to medical records **cannot** be denied due to inability to pay. Please refer to Directive 2788 regarding Advances for payment of medical records copies.

Health Services Policy 4.10 will be updated in the near future to reflect this change.

CJK/lb