



NEW YORK STATE SENATOR

Eric T. Schneiderman

Senator Schneiderman Introduces Legislation To Crack Down On The Destruction Of Medical Records

ERIC T. SCHNEIDERMAN August 14, 2009

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Bill Promotes Accountability In Medical Malpractice Cases

ALBANY – In a push for greater health care accountability, Senator Eric T. Schneiderman (D-Manhattan/Bronx) introduced legislation to penalize individuals who intentionally destroy records in medical malpractice cases. The bill (S6131) establishes new punishments for the destruction of each medical record and gives victims the right to challenge in court injuries sustained as a result of these fraudulent practices.

"The destruction of medical records has serious consequences for injured patients. As new reports uncover the pervasiveness of medical errors and cover ups in New York's health care system, it is critical that individuals who intentionally destroy records to hide wrongdoing be held accountable," said Sen. Schneiderman. "The current law lets medical providers off the hook for throwing away documentation of medical errors, and leaves patients unable to prove their cases because key evidence has been destroyed. It's time to fix this broken system."

S6131 will deter fraud by holding accountable any officer, director, employee or party to a medical malpractice case for the intentional destruction, mutilation or significant alteration of medical records. The penalty is to be no less than \$1,000 for each such act.

A companion bill (A5239) in the Assembly was introduced earlier this year by Assemblyman Michael Gianaris (D-Queens).

“Recent investigations revealed the lengths to which abusive medical providers will go to keep their transgressions secret,” said Assemblyman Gianaris. “I’m heartened that support is growing for my proposal to increase penalties for the destruction of documents that would shed light on these offenders.”

“Patients have a right to honest, accurate medical records,” added Sen. Schneiderman. “This legislation sends a clear message that these fraudulent practices will not be tolerated anymore.”