
NEW YORK STATE DEPARTMENT OF HEALTH
DOCUMENTS AVAILABLE AND UNAVAILABLE FOR INSPECTION AND COPYING

I. RECORDS AVAILABLE FOR INSPECTION AND COPYING UNDER THE FREEDOM OF INFORMATION LAW (FOIL)

Information and Documents Available for Review and/or Copying:

- An itemized record setting forth the name, public office address, title and salary of every officer or employee of the agency.
- The Department's formal system of communications:

Manuals

- Administrative Policy and Procedures Manual
- Environmental Health Manual
- Policy and Procedures Manual, Division of Health Facility Planning
- Surveyor's Manual
- Vital Records Registration Handbook

Bulletins

- Executive Memoranda
- Information Bulletins
- Department of Health Memoranda Series
- Newsletters
- Agenda and/or minutes of councils, boards, and committees
- Department Annual Reports
- Department Adjudicatory Documents
- Vital Statistics Summary Reports
- Ambulance Services Directory
- Final inspection and survey reports in connection with license, permit approval and supervisory functions of the Department, except as exempt from disclosure under Public Officers' Law (POL) Article 6
- Health Facilities Data:
 - Home Health and HMO fiscal and statistical reports
 - Rate computation sheets for Health Facilities and appeals
 - Audit reports and appeals
 - Health Facilities surveillance reports (Statements of Deficiencies/Plans of Correction)
 - Health Facility establishment applications
 - Health Facility Certificate of Need applications
- Radiological Health:
 - List of radioactive materials licenses (?)

- List of radiological technologists
- List of x-ray installations
- List of radiation equipment facilities

- RESIDENTIAL AND RECREATION SANITATION:
 - List of migrant labor camps
 - List of children's camps
 - List of public swimming pools
 - List of temporary residences
- PUBLIC WATER SUPPLIES
 - List of water treatment facilities
 - List of public water supplies
- FUNERAL HOME DIRECTING:
 - List of approved funeral home establishments
- NURSING HOME ADMINISTRATORS LICENSURE:
 - Records pertaining to licensure and registration of nursing home administrators
- RADIOLOGIC TECHNOLOGY:
 - Records pertaining to licenses and registration of radiologic technologists
- LABORATORY LISTS:
 - Clinical labs
 - Forensic labs
 - ELAP approved Potable water labs
 - Commercial labs with NYS approval for environmental analysis
 - Certified
- HOME AND COMMUNITY BASED CARE LISTS:
 - Certified
 - Licensed
 - Long-term
 - Hospice facilities (including AIDS and pilot programs)
- DEPARTMENT CONTRACTS WHEN FINALIZED
- DEPARTMENT MEMORANDA OF UNDERSTANDING WHEN FINALIZED
- AD HOC REPORTS OR STUDIES
- STATEMENTS OF DEFICIENCIES AND/OR /PLANS OF CORRECTION (TITLE XVII AND XIX)

II. CONFIDENTIAL REPORTS NOT AVAILABLE FOR INSPECTION:

- Cancer statistics which could identify individuals
- HIV patient data

- Vital records (e.g.: marriage, birth, death certificates)
- Laboratory test results
- Patient records
- Records created by hospital quality assurance committees
- Information concerning applicants for and recipients of medical assistance
- Subject matter pertaining to Quality Assurance conditions pursuant to Public Health Law §128.05-m
- Reports of patient and records of examination of TB patients
- Reports and information pertaining to sexually transmitted diseases
- Information gathered during an investigation of alleged malpractice and/or alleged patient abuse

III. HOW TO MAKE A FREEDOM OF INFORMATION REQUEST

All requests must be made in writing. The letter of request should clearly state what the requestor is looking for and should be as specific as possible and should include:

- The requestor's name, address, phone number and email address so that DOH can transmit records electronically, if practicable

By mail:

- To submit a FOIL request please send your inquiry by mail:
James P. O'Hare
Records Access Office
New York State Department of Health
Corning Tower Room 2348
Albany, New York 12237-0044

By fax: Your request may also be faxed to the Records Access Office at **(518) 486-9144**

By email: foil@health.state.ny.us.

Requests will be acknowledged within five (5) business days of receipt and an estimated time for completion will be provided.

Additionally, in-person inspection and copying is available Monday through Friday between the hours of 9:00 and 5:00 p.m. An appointment is necessary by calling (518) 474-8734.

Note: Copies of birth, death, marriage and dissolution of marriage certificates are not available under FOIL. For information about obtaining these records visit http://www.health.ny.gov/vital_records/ or contact the Vital Records section of the New York State Department of Health, Vital Records, 800 N. Pearl St., Albany, NY 12204. Please be advised that birth and death certificates for events that occurred within the five boroughs of New York City are not on file with the New York State Department of Health and must be obtained from the New York City Department of Health & Mental Hygiene, Office of Vital Records, 125 Worth Street, CN-4, Room 133, New York, NY 10013 or <http://www.nyc.gov/health>. For marriage licenses issued within the five boroughs NYC the address is: Office of the City Clerk, 141 Worth Street, New York, NY 10013 or <http://cityclerk.nyc.gov>.

IV. DENIAL OF ACCESS

Why You Might Be Denied Access to a (FOIL) Request

- Certain records or portions thereof are exempted from disclosure under authority of Public Officers Law Section 87.2(a-i). These records include those which:
- are specifically exempted from disclosure under state or federal statute,
- if disclosed would constitute an unwarranted invasion of personal privacy,
- if disclosed would impair present or imminent contract awards or collective bargaining negotiations,
- are trade secrets or are submitted to the department or are derived from information obtained from a commercial enterprise and which, if disclosed, would cause substantial injury to the competitive position of the subject enterprise,
- are compiled for law enforcement purposes and which if disclosed would interfere with law enforcement investigations or judicial proceedings, deprive a person of the right to a fair trial or impartial adjudication, identify a confidential source or disclose confidential information regarding a criminal investigation, or reveal criminal investigative techniques or procedures, except routine techniques and procedures,
- if disclosed would endanger the life or safety of any person,
- are inter-agency or intra-agency materials which are not statistical or factual tabulations or data, instructions to staff which affect the public or are final agency policies or determinations, are external audits, including audits performed by the comptroller and the federal government or computer codes, or
- are examination questions or answers which are requested prior to the final administration of such questions.

A denial of access must be in writing, stating the reason for denial and advising your right to an appeal.

V. HOW TO APPEAL DENIAL OF ACCESS

In the event of denial of access by the Records Access Office, you may file an appeal within 30 days of such denial by writing to the Records Access Appeals Officer, Public Affairs Group, Empire State Plaza, 1455 Corning Tower, Albany, NY 12237-0002.

There is a charge of \$ 0.25 per page for copies of documents or computer printouts.