

5811

2013-2014 Regular Sessions

I N   S E N A T E

June 17, 2013

---

Introduced by Sens. HANNON, FELDER, GOLDEN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to requiring health care facilities to respect each patient's religious beliefs with regard to the provision of care

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1.     Paragraph (g) of subdivision 1 of section 2803 of the  
2 public health law, as added by chapter 2 of the laws of 1988, is amended  
3 to read as follows:  
4     (g) The commissioner shall require that every general hospital adopt  
5 and make public an identical statement of the rights and responsibilities  
6 of patients, including a patient complaint and quality of care  
7 review process, a right to an appropriate patient discharge plan, A  
8 RIGHT TO INDEPENDENT PERSONAL DECISIONS PURSUANT TO PARAGRAPH A OF  
9 SUBDIVISION THREE OF SECTION TWENTY-EIGHT HUNDRED THREE-C OF THIS ARTI-  
10 CLE and, for patients other than beneficiaries of title XVIII of the  
11 federal social security act (medicare), a right to a discharge review in  
12 accordance with section twenty-eight hundred three-i of this article.  
13 The form and content of such statement shall be determined in accordance  
14 with rules and regulations adopted by the council and approved by the  
15 commissioner. A patient who requires continuing health care services in  
16 accordance with such patient's discharge plan may not be discharged  
17 until such services are secured or determined by the hospital to be  
18 reasonably available to the patient. Each general hospital shall give a  
19 copy of the statement to each patient, or the appointed personal repre-  
20 sentative of the patient at or prior to the time of admission to the  
21 general hospital, as long as the patient or the appointed personal  
22 representative of the patient receives such notice no earlier than four-  
23 teen days before admission. Such statement shall also be conspicuously  
24 posted by the hospital and shall be a part of the patient's admission

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

LBD11503-04-3

1 package. Nothing herein contained shall be construed to limit any  
2 authority vested in the commissioner pursuant to this article related to  
3 the operation of hospitals and care and services provided to patients.

4 S 2. Paragraph a of subdivision 3 of section 2803-c of the public  
5 health law, as added by chapter 648 of the laws of 1975, is amended to  
6 read as follows:

7 a. Every patient's civil and religious liberties, including the right  
8 to independent personal decisions and knowledge of available choices,  
9 shall not be infringed and the facility shall [encourage] FACILITATE and  
10 assist in the fullest possible exercise of these rights. EVERY  
11 PATIENT'S RELIGIOUS BELIEFS SHALL BE RESPECTED WITH REGARD TO WITHHOLD-  
12 ING OR WITHDRAWING LIFE SUSTAINING TREATMENTS, OR DISCHARGE FROM A  
13 FACILITY. IF SUCH PATIENT IS INCAPACITATED, SUCH DETERMINATION SHALL BE  
14 MADE BY THEIR AGENT OR SURROGATE AS APPLICABLE BY LAW.

15 S 3. This act shall take effect on the ninetieth day after it shall  
16 have become a law.