

STATE OF NEW YORK

9063

IN ASSEMBLY

January 18, 2018

Introduced by M. of A. MORELLE, GOTTFRIED, ENGLEBRIGHT, McDONALD, VANEL, FAHY, TAYLOR, DICKENS, D'URSO, SIMON, CAHILL, DINOWITZ, LUPARDO -- Multi-Sponsored by -- M. of A. GIGLIO, MONTESANO, RA, WALTER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing registry systems for medical orders for life-sustaining treatment (MOLST) and health care proxies

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 2994-dd of the public health law is amended by
2 adding a new subdivision 7 to read as follows:

3 7. (a) As used in this subdivision, "medical order for life-sustaining
4 treatment" ("MOLST") means medical orders to provide, withhold or with-
5 draw life-sustaining treatment. The MOLST form is an alternative form
6 authorized by the commissioner under subdivision six of this section.
7 The MOLST form and guidance and checklists for using the MOLST form for
8 any patient in any setting shall be posted on the department's website.

9 (b) The commissioner may approve one or more forms under subdivision
10 six of this section that may, but are not required to, be used for a
11 medical order for life-sustaining treatment. The forms approved under
12 this section shall be posted on the department's website in suitably
13 downloadable form.

14 (c) Any health care provider who completes and signs a medical order
15 for life sustaining treatment shall submit a copy to the health care
16 decisions document registry under section twenty-nine hundred eighty-
17 six-a of this chapter within fourteen days of completion.

18 § 2. The public health law is amended by adding a new section 2986-a
19 to read as follows:

20 § 2986-a. Health care decisions document registry. 1. As used in this
21 section, the following terms shall have the following meanings, unless
22 the context clearly requires otherwise:

23 (a) "Health care decisions document" or "document" includes but is not
24 limited to a health care proxy under this article, an order not to
25 resuscitate under article twenty-nine-B of this chapter, a document

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

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1 expressing the patient's wishes or beliefs relating to treatment
2 (commonly referred to as a living will), a nonhospital order not to
3 resuscitate under article twenty-nine-CCC of this chapter, a medical
4 order for life-sustaining treatment under section twenty-nine hundred
5 ninety-four-dd of this chapter, and any judicial order designating an
6 individual as a guardian authorized to make any health care decision for
7 a patient; including such a document in electronic or other form.

8 (b) "Health care decisions document registry" or "registry" means the
9 system established by the commissioner under subdivision two of this
10 section.

11 2. The commissioner shall establish and maintain the health care deci-
12 sions documents registry, which shall be an electronic system for
13 collecting, maintaining, and transmitting health care decisions docu-
14 ments, including a searchable database of information.

15 3. The registry shall be searchable, and shall be capable of retriev-
16 ing health care decisions documents included in the registry and produc-
17 ing and distributing digital copies of such documents. Digital copies of
18 such documents produced by the registry shall be legally valid as if
19 copied from the original document.

20 4. The registry shall include identifying and contact information for
21 the patient and, as appropriate, the patient's health care agent or
22 other person who is or is likely to be authorized to make health care
23 decisions for the patient when the patient lacks decision-making capaci-
24 ty, and appropriate health care professionals.

25 5. Any patient or his or her health care agent, surrogate, attending
26 physician, or other person acting on the patient's behalf, may submit a
27 copy of a patient's health care decisions document to the registry in
28 accordance with protocols established by the commissioner.

29 6. When a document previously submitted to the registry has been
30 revoked or modified by the maker of the document, it shall be the duty
31 of the individual who submitted the document to the registry to transmit
32 to the registry notification of such revocation or modification promptly
33 when the individual learns of the revocation or modification.

34 7. The commission shall establish requirements and a mechanism to
35 provide health care providers access to the registry, either through a
36 website-based system or toll-free calling system.

37 8. The commissioner shall established and implement protocols to
38 ensure that documents and information transmitted to and contained in
39 the registry are maintained in a secure and confidential manner and are
40 accessible only by users designated by the commissioner and available in
41 an emergency. Such protocols shall include a mechanism to monitor and
42 record access to the registry.

43 9. There shall be no fee or charge for submitting a document or infor-
44 mation to or storing it on the registry, searching the registry, or
45 obtaining a copy of a document or information from the registry.

46 10. The commissioner may enter into a multi-year contract for the
47 operation of the registry, subject to such terms and conditions as may
48 be contained within such contract, with a not-for-profit organization.
49 The contractor may subcontract as needed for the effective performance
50 of the contract. All such subcontractors and the terms of such subcon-
51 tracts shall be subject to approval by the commissioner.

52 11. The commissioner shall make regulations to effectuate this
53 section.

54 § 3. This act shall take effect immediately.