

STATE OF NEW YORK

7172

2019-2020 Regular Sessions

IN ASSEMBLY

April 10, 2019

Introduced by M. of A. GUNTHER, GOTTFRIED, BRONSON -- Multi-Sponsored by
-- M. of A. LIFTON -- read once and referred to the Committee on
Health

AN ACT to amend the public health law, in relation to orders not to
resuscitate; and to repeal article 29-B of the public health law
relating to orders not to resuscitate for residents of mental hygiene
facilities

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

Section 1. Article 29-B of the public health law is REPEALED.

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

1-a. This article shall also apply to decisions regarding orders not
to resuscitate for a patient who lacks decision-making capacity in a
hospital as defined by section 1.03 of the mental hygiene law.

§ 3. Subdivision 5 of section 2994-cc of the public health law, as
amended by chapter 430 of the laws of 2017, is amended to read as
follows:

5. Consent by a patient or a surrogate for a patient [~~in a mental
hygiene facility shall be governed by article twenty-nine-B of this
chapter~~] in a facility operated or licensed by the office of mental
health shall be governed by this article. Consent by a patient who is
intellectually or otherwise developmentally disabled and is eligible for
life-sustaining treatment pursuant to section seventeen hundred
fifty-b of the surrogate's court procedure act shall be governed by that
section.

§ 4. Section 2994-ff of the public health law, as added by chapter 8
of the laws of 2010, is amended to read as follows:

§ 2994-ff. Interinstitutional transfer. If a patient with a nonhospi-
tal order not to resuscitate is admitted to a hospital, or if a hospital
patient with an order not to resuscitate is transferred from a hospital

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

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1 to a different hospital, the order shall be treated as an order not to
2 resuscitate for a patient transferred from another hospital, and shall
3 be governed by [~~article twenty-nine CC of this chapter, except that any~~
4 ~~such order for a patient admitted to a mental hygiene facility shall be~~
5 ~~governed by article twenty-nine B~~] section twenty-nine hundred ninety-
6 four-1 of this chapter.

7 § 5. This act shall take effect on the ninetieth day after it shall
8 have become a law.