

STATE OF NEW YORK

7551

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

Introduced by M. of A. ENGLEBRIGHT, GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a health care decisions document registry

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

1 Section 1. The public health law is amended by adding a new section
2 2986-a to read as follows:

3 § 2986-a. Health care decisions document registry. 1. As used in this
4 section, the following terms shall have the following meanings, unless
5 the context clearly requires otherwise:

6 (a) "Health care decisions document" or "document" includes but is not
7 limited to a health care proxy under this article, an order not to
8 resuscitate under article twenty-nine-B of this chapter, a document
9 expressing the patient's wishes or beliefs relating to treatment
10 (commonly referred to as a "living will"), a nonhospital order not to
11 resuscitate under article twenty-nine-CCC of this chapter or any judi-
12 cial order designating an individual as a guardian authorized to make
13 any health care decision for a patient; including such a document in
14 electronic or other form.

15 (b) "Health care decisions document registry" or "registry" means the
16 system established by the commissioner under subdivision two of this
17 section.

18 2. The commissioner shall establish and maintain the health care deci-
19 sions document registry, which shall be an electronic system for
20 collecting, maintaining, and transmitting health care decisions docu-
21 ments, including a searchable database of information.

22 3. The registry shall be searchable by health care providers and shall
23 be capable of retrieving health care decisions documents included in the
24 registry and producing and distributing digital copies of such docu-

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

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1 ments. Digital copies of such documents produced by the registry shall
2 be legally valid as if copied from the original document.

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

8 5. Any patient or his or her health care agent, surrogate, attending
9 practitioner, or other person acting on the patient's behalf, may submit
10 a copy of a patient's health care decisions document to the registry in
11 accordance with protocols established by the commissioner.

12 6. When a document previously submitted to the registry has been
13 revoked or modified by the maker of the document, it shall be the duty
14 of the individual who submitted the document to the registry to transmit
15 to the registry notification of such revocation or modification promptly
16 when the individual learns of the revocation or modification.

17 7. The commissioner shall establish requirements and a mechanism to
18 provide health care providers access to the registry, either through a
19 website-based system or toll-free calling system.

20 8. The commissioner shall establish and implement protocols to ensure
21 that documents and information transmitted to and contained in the
22 registry are maintained in a secure and confidential manner, are acces-
23 sible only by users designated by the commissioner, and are available in
24 an emergency. Such protocols shall include a mechanism to monitor and
25 record access to the registry.

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

29 10. The commissioner may enter into a contract for the operation of
30 the registry, subject to such terms and conditions as may be contained
31 within such contract, with a not-for-profit organization. The contractor
32 may subcontract as needed for the effective performance of the contract.
33 All such subcontractors and the terms of such subcontracts shall be
34 subject to approval by the commissioner.

35 11. The commissioner shall make regulations under this section.

36 § 2. This act shall take effect immediately.