S T A T E O F N E W Y O R K

4473

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. BRODSKY, V. LOPEZ, NOLAN, GUNTHER -- Multi-Sponsored by -- M. of A. CHRISTENSEN, FARRELL, GALEF, MAYERSOHN, MILLMAN, PAULIN, SCARBOROUGH, TOWNS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring the express, written consent of a patient to authorize the presence of non-medical personnel during surgery

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

Section 1. The public health law is amended by adding a new section 22 to read as follows:

S 22. PERSONS AUTHORIZED IN OPERATING ROOMS. 1. NO PERSON, OTHER THAN HEALTH CARE PROFESSIONALS LICENSED PURSUANT TO THE EDUCATION LAW, PERSONS TRAINING TO BECOME SUCH A PROFESSIONAL, EMERGENCY MEDICAL TECHNICIANS CERTIFIED PURSUANT TO ARTICLE THIRTY OF THIS CHAPTER, AND MEMBERS OF THE PATIENT'S IMMEDIATE FAMILY, SHALL BE PRESENT IN ANY ROOM IN WHICH SURGERY IS BEING CONDUCTED.

2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL ONLY BE WAIVED UPON THE EXPRESS WRITTEN CONSENT OF THE SURGICAL PATIENT. SUCH CONSENT SHALL BE SIGNED BY SUCH PATIENT AND THE SURGEON AND SHALL SPECIFICALLY NAME THE OTHERWISE UNAUTHORIZED PERSONS WHO ARE TO BE PERMITTED TO BE PRESENT DURING SURGERY.

3. THE COMMISSIONER SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 2. This act shall take effect immediately.

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

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