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

4475

2009-2010 Regular Sessions

I N A S S E M B L Y

February 4, 2009

Introduced by M. of A. BRODSKY -- Multi-Sponsored by -- M. of A. GALEF, PHEFFER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to blood transfusions

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 two new sections 3101 and 3102 to read as follows:

S 3101. BLOOD TRANSFUSIONS; DISCLOSURE REQUIREMENTS. 1. WHENEVER A BLOOD TRANSFUSION MAY BE NECESSARY DURING A SURGICAL PROCEDURE, AND IF NO EMERGENCY MEDICAL CONTRAINDICATIONS EXIST OR THE SURGERY IS NOT PERFORMED ON AN EMERGENCY BASIS, A PHYSICIAN OR SURGEON SHALL INFORM THE SURGERY PATIENT, PRIOR TO PERFORMING THE SURGICAL PROCEDURE, OF THE POSITIVE AND NEGATIVE ASPECTS OF THE OPTIONS OF RECEIVING AUTOLOGOUS BLOOD TRANSFUSIONS, DESIGNATED BLOOD TRANSFUSIONS, OR HOMOLOGOUS BLOOD TRANSFUSIONS.

2. THE PHYSICIAN OR SURGEON WHO WILL PERFORM THE SURGERY SHALL NOTE ON THE MEDICAL RECORD OF THE PATIENT THAT THE PATIENT WAS ADVISED OF THE OPPORTUNITY TO RECEIVE AN AUTOLOGOUS, DESIGNATED BLOOD, OR HOMOLOGOUS BLOOD TRANSFUSION IF A TRANSFUSION BECOMES NECESSARY.

3. IF NO EMERGENCY MEDICAL CONTRAINDICATIONS EXIST OR THE SURGERY IS NOT PERFORMED ON AN EMERGENCY BASIS, THE PHYSICIAN OR SURGEON SHALL ALLOW ADEQUATE TIME, PRIOR TO SURGERY, FOR PREDONATION OF BLOOD TO OCCUR.

S 3102. PROCEDURE FOR COLLECTION OF AUTOLOGOUS OR DESIGNATED BLOOD. ANY HEALTH CARE FACILITY WHICH PERFORMS A TRANSFUSION SHALL BE REQUIRED TO ACCEPT AUTOLOGOUS OR DESIGNATED BLOOD FOR A POTENTIAL TRANSFUSION TO A PATIENT IF THE BLOOD IS RECEIVED FROM A BLOOD BANK LICENSED BY THE DEPARTMENT AND HAS BEEN TESTED AND PREPARED IN ACCORDANCE WITH STANDARDS APPROVED BY THE DEPARTMENT OR BY A BLOOD BANK WITH AN INTERSTATE LICENSE APPROVED AND REGISTERED BY THE FEDERAL GOVERNMENT.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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