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

3372

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. PERRY -- Multi-Sponsored by -- M. of A. AUBRY, BROOK-KRASNY, COOK, ENGLEBRIGHT, ESPAILLAT, GLICK, HOOPER, JAFFEE, JOHN, MAYERSOHN, MENG, MILLMAN, PEOPLES, PHEFFER, SCHROEDER, TOWNS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to patient hospital admissions form and authorization for visitation and surgery to be made by domestic partners

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

Section 1. Section 2805-b of the public health law is amended by adding a new subdivision 6 to read as follows:

6. THE STAFF OF A GENERAL HOSPITAL SHALL INQUIRE WHETHER OR NOT THE PERSON ADMITTED WISHES TO DESIGNATE A PERSON AS A DOMESTIC PARTNER WHO IN THE ABSENCE AND UNAVAILABILITY OF A NEXT-OF-KIN OR NEAREST RELATIVE SHALL HAVE ALL OF THE PRIVILEGES OF A NEXT-OF-KIN RESPECTING VISITATION AND AUTHORIZATION FOR SURGERY SHOULD THE PERSON ADMITTED SUBSEQUENTLY BECOME UNABLE TO GRANT SUCH AUTHORIZATION AND HAS GIVEN NO SPECIFIC INSTRUCTIONS, AND BECOMES UNABLE TO EXECUTE A HEALTH-CARE PROXY OR MAKE DECISIONS ABOUT HIS/HER HEALTH CARE. SUCH INFORMATION SHALL BE LISTED ON THE ADMISSIONS FORM. THE STAFF SHALL RESPECT THE WISHES OF THE PERSON ADMITTED RESPECTING SUCH AUTHORIZATION ONLY TO THE SAME EXTENT AS THEY WOULD FOR A PERSON WHO IS THE NEXT-OF-KIN. PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO GRANT A DOMESTIC PARTNER ANY GREATER RIGHTS OR PRIVILEGES THAN THOSE THAT WOULD BE RECOGNIZED FOR A NEXT-OF-KIN. PROVIDED, FURTHER, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL PRECLUDE THE USE OF A HEALTH-CARE PROXY OR LIVING WILL OR BOTH FOR SUCH PURPOSE AND UNLESS REVOKED THE PROVISIONS OF SUCH PROXY OR LIVING WILL OR BOTH SHALL PREVAIL OVER ANY DESIGNATION MADE ON AN ADMISSIONS FORM PURSUANT TO THIS SUBDIVISION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, provided, however, that effective immediate-

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

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ly, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of the foregoing section of this act on its effective date is authorized and directed to be made and completed on or before such effective date.