

6478

2009-2010 Regular Sessions

I N A S S E M B L Y

March 4, 2009

Introduced by M. of A. ORTIZ, GREENE, J. RIVERA, ESPAILLAT, EDDINGTON --
Multi-Sponsored by -- M. of A. COOK, FARRELL, GOTTFRIED, HEASTIE,
PERRY, RAMOS, ROBINSON, WRIGHT -- read once and referred to the
Committee on Health

AN ACT to amend the public health law, in relation to patient rights

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 2801-g to read as follows:

3 S 2801-G. PATIENT RIGHTS TO BE POSTED. THE COMMISSIONER SHALL REQUIRE
4 ALL GENERAL HOSPITALS, WHICH PROVIDE EMERGENCY SERVICES, TO CONSPICUOUS-
5 LY POST IN A PROMINENT AND VISIBLE AREA A SIGN WHICH SHALL BE NO SMALLER
6 THAN EIGHT AND ONE-HALF INCHES BY FOURTEEN INCHES AND WHICH SHALL
7 CONTAIN THE FOLLOWING LANGUAGE:

8 "PATIENTS' RIGHTS IN CASE OF IMMEDIATE HOSPITALIZATION

9 EACH PATIENT SHALL HAVE THE RIGHT TO EMERGENCY TREATMENT REGARDLESS OF
10 AGE, RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, DISABILITY, SEXUAL
11 ORIENTATION, SOURCE OF PAYMENT, OR LEGAL STATUS. NO PATIENT SHALL BE
12 REQUIRED TO ANSWER QUESTIONS PRIOR TO PROVIDING TREATMENT CONCERNING
13 THEIR INSURANCE OR METHOD OF PAYMENT."

14 S 2. Subdivision 1 of section 2805-b of the public health law, as
15 amended by chapter 121 of the laws of 1987, is amended to read as
16 follows:

17 1. Every general hospital shall admit any person who is in need of
18 immediate hospitalization with all convenient speed and shall not before
19 admission question the patient or any member of his or her family
20 concerning insurance, credit or payment of charges, OR THE LEGAL STATUS
21 OF THE PATIENT, provided[, however,] that the patient or a member of his
22 or her family shall agree to supply such information promptly after the
23 patient's admission WITH THE EXCEPTION THAT THE PATIENT SHALL NOT BE
24 REQUIRED TO ANSWER QUESTIONS RELATING TO HIS OR HER LEGAL OR ILLEGAL

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

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1 STATUS. However, no general hospital shall require any patient or
2 member of his or her family to write or to sign during those times when
3 the religious tenets of such person temporarily prohibit him or her from
4 performing such acts. No general hospital shall transfer any patient to
5 another hospital or health care facility on the grounds that the patient
6 is unable to pay or guarantee payment for services rendered. Every
7 general hospital which maintains facilities for providing out-patient
8 emergency medical care must provide such care to any person who, in the
9 opinion of a physician, requires such care.
10 S 3. This act shall take effect on the ninetieth day after it shall
11 have become a law.