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

885

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GOTTFRIED, PAULIN, WEISENBERG, SCHROEDER -- Multi-Sponsored by -- M. of A. BOYLAND, JOHN, PERALTA, PHEFFER -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to health care practitioners honoring nonhospital do not resuscitate orders

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

Section 1. Subdivision 16 of section 2961 of the public health law, as amended by chapter 577 of the laws of 1993, is amended to read as follows:

16. "Nonhospital order not to resuscitate" means an order, issued in accordance with section twenty-nine hundred seventy-seven of this article, that directs emergency medical services personnel, hospital emergency service personnel [or], correctional facilities medical care personnel OR A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED OR REGISTERED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW not to attempt cardiopulmonary resuscitation in the event a patient suffers cardiac or respiratory arrest.

S 2. Subdivision 1 of section 2977 of the public health law, as amended by chapter 577 of the laws of 1993, is amended to read as follows:

1. Emergency medical services personnel, hospital emergency service personnel [and], correctional facilities medical care personnel AND A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED OR REGISTERED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW shall honor nonhospital orders not to resuscitate, except as provided in subdivision ten of this section.

S 3. Subdivision 10 of section 2977 of the public health law, as added by chapter 370 of the laws of 1991, the opening paragraph and the opening paragraph of paragraph (a) as amended by chapter 577 of the laws of 1993, is amended to read as follows:

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

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10. Emergency medical services personnel, hospital emergency service personnel [or], correctional facilities medical care personnel OR A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED OR REGISTERED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW who are provided with a nonhospital order not to resuscitate, or who identify the standard bracelet on the patient's body, shall comply with the terms of such order; provided, however, that:

(a) (1) emergency medical services personnel, hospital emergency service personnel [or], correctional facilities medical care personnel OR A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED OR REGISTERED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW may disregard the order if:

(i) they believe in good faith that consent to the order has been revoked, or that the order has been cancelled; or

(ii) family members or others on the scene, excluding such personnel, object to the order and physical confrontation appears likely; and

[(b)] (2) hospital emergency service physicians may direct that the order be disregarded if other significant and exceptional medical circumstances warrant disregarding the order.

(B) IN THE CASE OF A HEALTH CARE PRACTITIONER LICENSED, CERTIFIED OR REGISTERED PURSUANT TO TITLE EIGHT OF THE EDUCATION LAW WHO IS EMPLOYED TO PROVIDE SERVICES TO STUDENTS IN A SCHOOL, SUCH HEALTH CARE PRACTITIONER SHALL NOT HONOR A NONHOSPITAL ORDER NOT TO RESUSCITATE RELATING TO A STUDENT OF THE SCHOOL IF THE GOVERNING AUTHORITY OF THE SCHOOL EMPLOYING SUCH HEALTH CARE PRACTITIONER HAS ADOPTED A POLICY NOT TO HONOR NONHOSPITAL ORDERS NOT TO RESUSCITATE. NO PROVISION OF THIS ARTICLE SHALL BE DEEMED TO REQUIRE A SCHOOL, SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO EMPLOY A HEALTH CARE PRACTITIONER FOR THE PURPOSE OF EFFECTUATING A NONHOSPITAL DO NOT RESUSCITATE ORDER.

S 4. This act shall take effect immediately.