

4902

2011-2012 Regular Sessions

I N A S S E M B L Y

February 9, 2011

Introduced by M. of A. ROSENTHAL, GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring pre-admission notification of policies authorizing the refusal to follow directives in health care proxies that are contrary to a hospital's operating principles

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

1 Section 1. Paragraph (a) of subdivision 3 of section 2984 of the
2 public health law, as amended by chapter 8 of the laws of 2010, is
3 amended to read as follows:
4 (a) the hospital has informed the patient or the health care agent of
5 such policy prior to [or upon] admission, [if reasonably possible]
6 PROVIDED, THAT IN THE CASE OF AN EMERGENCY, THE INFORMATION MAY BE
7 PROVIDED AS SOON AS REASONABLY POSSIBLE UPON OR AFTER ADMISSION, AND IF
8 SUCH INFORMATION IS GIVEN UPON ADMISSION OR LATER, AN EXPLANATION AS TO
9 WHY SUCH INFORMATION WAS NOT GIVEN PRIOR TO ADMISSION SHALL BE GIVEN TO
10 THE PATIENT OR HEALTH CARE AGENT AND SHALL BE PLACED IN THE PATIENT'S
11 MEDICAL RECORD; and
12 S 2. Paragraph (b) of subdivision 1 of section 2994-n of the public
13 health law, as added by chapter 8 of the laws of 2010, is amended to
14 read as follows:
15 (b) The hospital has informed the patient, family, or surrogate of
16 such policy prior to [or upon] admission, [if reasonably possible]
17 PROVIDED, THAT IN THE CASE OF AN EMERGENCY, THE INFORMATION MAY BE
18 PROVIDED AS SOON AS REASONABLY POSSIBLE UPON OR AFTER ADMISSION, AND IF
19 SUCH INFORMATION IS GIVEN UPON ADMISSION OR LATER, AN EXPLANATION AS TO
20 WHY SUCH INFORMATION WAS NOT GIVEN PRIOR TO ADMISSION SHALL BE GIVEN TO
21 THE PATIENT OR HEALTH CARE AGENT AND SHALL BE PLACED IN THE PATIENT'S
22 MEDICAL RECORD; and
23 S 3. This act shall take effect on the sixtieth day after it shall
24 have become a law.

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

LBD09112-01-1