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

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:

Section 1. Paragraph (a) of subdivision 3 of section 2984 of the public health law, as amended by chapter 8 of the laws of 2010, is amended to read as follows:

(a) the hospital has informed the patient or the health care agent of such policy prior to [or upon] admission, [if reasonably possible] PROVIDED, THAT IN THE CASE OF AN EMERGENCY, THE INFORMATION MAY BE PROVIDED AS SOON AS REASONABLY POSSIBLE UPON OR AFTER ADMISSION, AND IF SUCH INFORMATION IS GIVEN UPON ADMISSION OR LATER, AN EXPLANATION AS TO WHY SUCH INFORMATION WAS NOT GIVEN PRIOR TO ADMISSION SHALL BE GIVEN TO THE PATIENT OR HEALTH CARE AGENT AND SHALL BE PLACED IN THE PATIENT'S MEDICAL RECORD; and

S 2. Paragraph (b) of subdivision 1 of section 2994-n of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

(b) The hospital has informed the patient, family, or surrogate of such policy prior to [or upon] admission, [if reasonably possible] PROVIDED, THAT IN THE CASE OF AN EMERGENCY, THE INFORMATION MAY BE PROVIDED AS SOON AS REASONABLY POSSIBLE UPON OR AFTER ADMISSION, AND IF SUCH INFORMATION IS GIVEN UPON ADMISSION OR LATER, AN EXPLANATION AS TO WHY SUCH INFORMATION WAS NOT GIVEN PRIOR TO ADMISSION SHALL BE GIVEN TO THE PATIENT OR HEALTH CARE AGENT AND SHALL BE PLACED IN THE PATIENT'S MEDICAL RECORD; and

S 3. This act shall take effect on the sixtieth 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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