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

9670--A

I N A S S E M B L Y

May 14, 2014

Introduced by M. of A. PRETLOW, GOTTFRIED -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to disputes between a surrogate and a hospital or individual health care provider

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

Section 1. Subdivision 3 of section 2994-f of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

3. Notwithstanding the provisions of this section or subdivision one of section twenty-nine hundred ninety-four-q of this article, if a surrogate directs the provision of life-sustaining treatment, the denial of which in reasonable medical judgment would be likely to result in the death of the patient, a hospital or individual health care provider that does not wish to provide such treatment shall nonetheless comply with the surrogate's decision pending either transfer of the patient to a willing hospital or individual health care provider, or judicial review in accordance with section twenty-nine hundred ninety-four-r of this article. THIS REQUIREMENT SHALL NOT APPLY WHEN THE HOSPITAL OR INDIVIDUAL HEALTH CARE PROVIDER IS CARRYING OUT A PATIENT'S DECISION MADE PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) OF SUBDIVISION THREE OF SECTION TWENTY-NINE HUNDRED NINETY-FOUR-D OF THIS ARTICLE; PROVIDED THAT THE SURROGATE IN SUCH INSTANCE RETAINS THE RIGHT TO REQUEST ETHICS COMMITTEE REVIEW OF THE CASE PURSUANT TO SECTION TWENTY-NINE HUNDRED NINETY-FOUR-M OF THIS ARTICLE, OR JUDICIAL REVIEW IN ACCORDANCE WITH SECTION TWENTY-NINE HUNDRED NINETY-FOUR-R OF THIS ARTICLE.

S 2. This act shall take effect immediately.

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

LBD13624-02-4