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

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1003

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015
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Introduced  by M. of A. ROSENTHAL, GOTTFRIED, BRONSON -- Multi-Sponsored
   by -- M. of A. GLICK, LUPARDO, McKEVITT -- read once and  referred  to
   the Committee on Health

AN  ACT to amend the public health law, in relation to requiring pre-ad-
   mission 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  ASSEM-
BLY, 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.
                                                         LBD04106-01-5