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

10644

I N A S S E M B L Y

June 10, 2016

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Morelle) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the establishment of a registry system for medical orders for life-sustaining treatment (MOLST)

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

Section 1. Section 2994-dd of the public health law is amended by adding a new subdivision 7 to read as follows:

7. MEDICAL ORDERS FOR LIFE-SUSTAINING TREATMENT (MOLST) MEANS MEDICAL ORDERS TO PROVIDE, WITHHOLD OR WITHDRAW LIFE-SUSTAINING TREATMENT. THE MOLST FORM IS THE ALTERNATIVE FORM AUTHORIZED BY THE COMMISSIONER UNDER SUBDIVISION FIVE OF THIS SECTION. THE MOLST FORM AND GUIDANCE AND CHECKLISTS FOR USING THE MOLST FORM FOR ANY PATIENT IN ANY SETTING SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE.

S 2. Section 2994-dd of the public health law is amended by adding four new subdivisions 8, 9, 10 and 11 to read as follows:

8. ESTABLISHMENT OF SYSTEM. (A) THE DEPARTMENT OR THE DEPARTMENT'S DESIGNEE SHALL, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, ESTABLISH AND MAINTAIN AN ELECTRONIC SYSTEM FOR COLLECTING, MAINTAINING, AND TRANSMITTING MOLST FORMS AUTHORIZED UNDER SUBDIVISION SIX OF THIS SECTION, TO BE KNOWN AS THE NEW YORK STATE EMOLST REGISTRY.

(B) THE REGISTRY SHALL BE DESIGNED TO ACCEPT PHYSICIAN ORDER FORM DOH-5003 MOLST AND THE ELECTRONIC VERSION OF DOH-5003 MOLST ("EMOLST") COMPLETED BY A LICENSED PHYSICIAN.

(C) THE DEPARTMENT SHALL ESTABLISH AND IMPLEMENT SUCH PROTOCOLS AS ARE REASONABLY NECESSARY TO ENSURE THAT INFORMATION TRANSMITTED AND CONTAINED IN THE REGISTRY IS MAINTAINED IN A SECURE AND CONFIDENTIAL MANNER AND IS ACCESSIBLE ONLY BY USERS DESIGNATED BY THE DEPARTMENT AND AVAILABLE IN AN EMERGENCY. SUCH PROTOCOLS SHALL INCLUDE A MECHANISM TO MONITOR AND RECORD ACCESS TO THE REGISTRY.

9. DUTY TO SUBMIT TO REGISTRY. ANY HEALTH CARE PROVIDER WHO COMPLETES AND SIGNS A MEDICAL ORDER FORM DOH-5003 MOLST OR THE ELECTRONIC VERSION OF DOH-5003 MOLST ("EMOLST") SHALL SUBMIT A COPY OF THE COMPLETED MOLST

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

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FORM TO THE EMOLST REGISTRY WITHIN FOURTEEN DAYS OF COMPLETION OF SUCH FORM IN ACCORDANCE WITH PROTOCOLS ESTABLISHED BY THE DEPARTMENT.

10. OPERATION OF THE REGISTRY ESTABLISHED BY THIS SECTION SHALL NOT BE FUNDED, IN WHOLE OR IN PART, BY FEES IMPOSED SPECIFICALLY FOR SUCH PURPOSES UPON PRACTITIONERS OR PATIENTS USING MOLST.

11. THE COMMISSIONER SHALL PROMULGATE SUCH RULES AND REGULATIONS AS ARE NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS SECTION.

S 3. This act shall take effect immediately; provided, however, section two of this act shall take effect on the first of April next succeeding the date on which it shall have become a law.