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

3824

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

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

AN ACT to amend the public health law, in relation to the obligation of hospitals, nursing homes, residential health care facilities, and facilities providing health related service to provide life-sustaining health care treatment

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

Section 1. The public health law is amended by adding a new section 2994-h to read as follows:

S 2994-H. OBLIGATIONS OF HOSPITAL, NURSING HOME, RESIDENTIAL HEALTH CARE FACILITY, OR FACILITY PROVIDING HEALTH RELATED SERVICE. NO HOSPITAL, NURSING HOME, RESIDENTIAL HEALTH CARE FACILITY, OR FACILITY PROVIDING HEALTH RELATED SERVICE SHALL WITHHOLD OR WITHDRAW LIFE-SUSTAINING HEALTH CARE TREATMENT FROM A PATIENT OR DISCHARGE A PATIENT FROM A FACILITY OVER THE OBJECTION OF THE PATIENT OR, IF THE PATIENT IS INCAPACITATED, THE PATIENT'S DESIGNATED HEALTH CARE AGENT OR, WHERE THE PATIENT IS INCAPACITATED AND HAS NOT DESIGNATED AN AGENT, THE PATIENT'S SURROGATE HEALTH CARE DECISION-MAKER AS DESIGNATED BY LAW TO MAKE HEALTH CARE DECISIONS FOR THE PATIENT. IF THE PATIENT IS INCAPACITATED, THE FACILITY SHALL NOT WITHHOLD OR WITHDRAW LIFE-SUSTAINING HEALTH CARE TREATMENT FROM THE PATIENT OR DISCHARGE THE PATIENT FROM THE FACILITY UNLESS AND UNTIL THE FACILITY HAS CONTACTED THE PATIENT'S SURROGATE HEALTH CARE DECISION-MAKER TO DETERMINE IF THERE IS ANY OBJECTION. EVEN IN THE ABSENCE OF ANY OBJECTION, NO FACILITY SHALL WITHHOLD OR WITHDRAW LIFE-SUSTAINING HEALTH CARE TREATMENT FROM A PATIENT OR DISCHARGE A PATIENT FROM THE FACILITY IF THERE IS REASON TO BELIEVE THAT SUCH WITHHOLDING OR WITHDRAWAL OF TREATMENT OR DISCHARGE IS CONTRARY TO THE PATIENT'S RELIGIOUS BELIEFS, UNLESS THE PATIENT HAS PROVIDED WRITTEN CONSENT. SUCH WRITTEN CONSENT MUST BE WITNESSED BY AT LEAST ONE ADULT EIGHTEEN YEARS OF AGE OR OLDER WHO IS NOT THE PATIENT'S HEALTH CARE DECISION-MAKER.

S 2. This act shall take effect immediately.

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

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