

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 2994-h to read as follows:
3 S 2994-H. OBLIGATIONS OF HOSPITAL, NURSING HOME, RESIDENTIAL HEALTH
4 CARE FACILITY, OR FACILITY PROVIDING HEALTH RELATED SERVICE. NO HOSPI-
5 TAL, NURSING HOME, RESIDENTIAL HEALTH CARE FACILITY, OR FACILITY PROVID-
6 ING HEALTH RELATED SERVICE SHALL WITHHOLD OR WITHDRAW LIFE-SUSTAINING
7 HEALTH CARE TREATMENT FROM A PATIENT OR DISCHARGE A PATIENT FROM A
8 FACILITY OVER THE OBJECTION OF THE PATIENT OR, IF THE PATIENT IS INCA-
9 PACITATED, THE PATIENT'S DESIGNATED HEALTH CARE AGENT OR, WHERE THE
10 PATIENT IS INCAPACITATED AND HAS NOT DESIGNATED AN AGENT, THE PATIENT'S
11 SURROGATE HEALTH CARE DECISION-MAKER AS DESIGNATED BY LAW TO MAKE HEALTH
12 CARE DECISIONS FOR THE PATIENT. IF THE PATIENT IS INCAPACITATED, THE
13 FACILITY SHALL NOT WITHHOLD OR WITHDRAW LIFE-SUSTAINING HEALTH CARE
14 TREATMENT FROM THE PATIENT OR DISCHARGE THE PATIENT FROM THE FACILITY
15 UNLESS AND UNTIL THE FACILITY HAS CONTACTED THE PATIENT'S SURROGATE
16 HEALTH CARE DECISION-MAKER TO DETERMINE IF THERE IS ANY OBJECTION. EVEN
17 IN THE ABSENCE OF ANY OBJECTION, NO FACILITY SHALL WITHHOLD OR WITHDRAW
18 LIFE-SUSTAINING HEALTH CARE TREATMENT FROM A PATIENT OR DISCHARGE A
19 PATIENT FROM THE FACILITY IF THERE IS REASON TO BELIEVE THAT SUCH WITH-
20 HOLDING OR WITHDRAWAL OF TREATMENT OR DISCHARGE IS CONTRARY TO THE
21 PATIENT'S RELIGIOUS BELIEFS, UNLESS THE PATIENT HAS PROVIDED WRITTEN
22 CONSENT. SUCH WRITTEN CONSENT MUST BE WITNESSED BY AT LEAST ONE ADULT
23 EIGHTEEN YEARS OF AGE OR OLDER WHO IS NOT THE PATIENT'S HEALTH CARE
24 DECISION-MAKER.
25 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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