

4795

2015-2016 Regular Sessions

I N S E N A T E

April 17, 2015

Introduced by Sen. HANNON -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

1 Section 1. Subdivision 3 of section 2994-f of the public health law,  
2 as added by chapter 8 of the laws of 2010, is amended to read as  
3 follows:  
4 3. Notwithstanding the provisions of this section or subdivision one  
5 of section twenty-nine hundred ninety-four-q of this article, if a  
6 surrogate directs the provision of life-sustaining treatment, the denial  
7 of which in reasonable medical judgment would be likely to result in the  
8 death of the patient, a hospital or individual health care provider that  
9 does not wish to provide such treatment shall nonetheless comply with  
10 the surrogate's decision pending either transfer of the patient to a  
11 willing hospital or individual health care provider, or judicial review  
12 in accordance with section twenty-nine hundred ninety-four-r of this  
13 article. THIS REQUIREMENT SHALL NOT APPLY WHEN THE HOSPITAL OR INDIVID-  
14 UAL HEALTH CARE PROVIDER IS CARRYING OUT A PATIENT'S DECISION MADE  
15 PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH (A) OF SUBDIVISION THREE OF  
16 SECTION TWENTY-NINE HUNDRED NINETY-FOUR-D OF THIS ARTICLE; PROVIDED THAT  
17 THE SURROGATE IN SUCH INSTANCE RETAINS THE RIGHT TO REQUEST ETHICS  
18 COMMITTEE REVIEW OF THE CASE PURSUANT TO SECTION TWENTY-NINE HUNDRED  
19 NINETY-FOUR-M OF THIS ARTICLE, OR JUDICIAL REVIEW IN ACCORDANCE WITH  
20 SECTION TWENTY-NINE HUNDRED NINETY-FOUR-R OF THIS ARTICLE.  
21 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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