

2775

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 20, 2015

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Introduced by M. of A. PRETLOW, GOTTFRIED -- read once and referred 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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