

2775

2015-2016 Regular Sessions

I N A S S E M B L Y

January 20, 2015

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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