

STATE OF NEW YORK

4019

2017-2018 Regular Sessions

IN ASSEMBLY

January 30, 2017

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 § 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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