

# STATE OF NEW YORK

2463--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 20, 2017

Introduced by M. of A. GOTTFRIED, DINOWITZ, ROSENTHAL, SEPULVEDA, D'URSO  
-- read once and referred to the Committee on Health -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend the social services law, in relation to adult care  
facilities

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

Section 1. Subdivision 3 of section 461-d of the social services law  
is amended by adding two new paragraphs (l) and (m) to read as follows:

(l) Every resident or, in the case of a person who lacks capacity to  
consent to his or her health care, a person legally authorized to  
consent on behalf of the resident, shall have the right to be fully  
informed by his or her physician, or other health or mental health  
provider of his or her medical condition and proposed medication, treat-  
ment and services, unless medically contraindicated, and to refuse medi-  
cation, treatment or services after being fully informed of the conse-  
quences of such actions; provided that an operator acting reasonably and  
in good faith, shall not be held liable or penalized for complying with  
the refusal of such medication, treatment or services by a resident or,  
in the case of a person who lacks capacity to consent to his or her  
health care, a person legally authorized to consent on behalf of the  
resident, who has been fully informed of the consequences of such  
refusal.

(m) Every resident or, in the case of a person who lacks capacity to  
consent to his or her health care, a person legally authorized to  
consent on behalf of the resident, shall have the right to choose the  
resident's own health care providers for services not covered by his or  
her admission agreement, subject to limitations that may apply as a  
result of a resident's third party payor coverage.

§ 2. This act shall take effect on the thirtieth day after it shall  
have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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