

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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