

# STATE OF NEW YORK

851

2017-2018 Regular Sessions

## IN ASSEMBLY

January 9, 2017

Introduced by M. of A. GUNTHER, GOTTFRIED, BRONSON -- Multi-Sponsored by  
-- M. of A. LIFTON -- read once and referred to the Committee on  
Health

AN ACT to amend the public health law, in relation to orders not to  
resuscitate; and to repeal article 29-B of the public health law  
relating to orders not to resuscitate for residents of mental hygiene  
facilities

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

1 Section 1. Article 29-B of the public health law is REPEALED.

2 § 2. Section 2994-b of the public health law is amended by adding a  
3 new subdivision 1-a to read as follows:

4 1-a. This article shall also apply to decisions regarding orders not  
5 to resuscitate for a patient who lacks decision-making capacity in a  
6 hospital as defined by section 1.03 of the mental hygiene law.

7 § 3. Subdivision 5 of section 2994-cc of the public health law, as  
8 added by chapter 8 of the laws of 2010, is amended to read as follows:

9 5. Consent by a patient or a surrogate for a patient [~~in a mental~~  
10 ~~hygiene facility shall be governed by article twenty-nine B of this~~  
11 ~~chapter~~] in a facility operated or licensed by the office of mental  
12 health shall be governed by this article. Consent by a patient who is  
13 intellectually or otherwise developmentally disabled and is eligible for  
14 life-sustaining treatment decision pursuant to section seventeen hundred  
15 fifty-b of the surrogate's court procedure act shall be governed by that  
16 section.

17 § 4. Section 2994-ff of the public health law, as added by chapter 8  
18 of the laws of 2010, is amended to read as follows:

19 § 2994-ff. Interinstitutional transfer. If a patient with a nonhospi-  
20 tal order not to resuscitate is admitted to a hospital, or if a hospital  
21 patient with an order not to resuscitate is transferred from a hospital  
22 to a different hospital, the order shall be treated as an order not to

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

LBD02791-01-7

1 resuscitate for a patient transferred from another hospital, and shall  
2 be governed by [~~article twenty-nine CC of this chapter, except that any~~  
3 ~~such order for a patient admitted to a mental hygiene facility shall be~~  
4 ~~governed by article twenty-nine-B~~] section twenty-nine hundred ninety-  
5 four-1 of this chapter.  
6 § 5. This act shall take effect on the ninetieth day after it shall  
7 have become a law.