

# STATE OF NEW YORK

2373

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

Introduced by Sen. ALCANTARA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to patient rights

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

1 Section 1. The public health law is amended by adding a new section  
2 2801-h to read as follows:

3 § 2801-h. Patient rights to be posted. The commissioner shall require  
4 all general hospitals, which provide emergency services, to conspicuous-  
5 ly post in a prominent and visible area a sign which shall be no smaller  
6 than eight and one-half inches by fourteen inches and which shall  
7 contain the following language:

### "PATIENTS' RIGHTS IN CASE OF IMMEDIATE HOSPITALIZATION

8  
9 Each patient shall have the right to emergency treatment regardless of  
10 age, race, color, religion, sex, national origin, disability, sexual  
11 orientation, source of payment, or immigration status. No patient shall  
12 be required to answer questions concerning their insurance or method of  
13 payment prior to receiving treatment."

14 § 2. Subdivision 1 of section 2805-b of the public health law, as  
15 amended by chapter 121 of the laws of 1987, is amended to read as  
16 follows:

17 1. Every general hospital shall admit any person who is in need of  
18 immediate hospitalization with all convenient speed and shall not before  
19 admission question the patient or any member of his or her family  
20 concerning insurance, credit or payment of charges, or the immigration  
21 status of the patient, provided[~~, however,~~] that the patient or a member  
22 of his or her family shall agree to supply such information promptly  
23 after the patient's admission with the exception that the patient shall  
24 not be required to answer questions relating to his or her immigration  
25 status. However, no general hospital shall require any patient or  
26 member of his or her family to write or to sign during those times when

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

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1 the religious tenets of such person temporarily prohibit him or her from  
2 performing such acts. No general hospital shall transfer any patient to  
3 another hospital or health care facility on the grounds that the patient  
4 is unable to pay or guarantee payment for services rendered. Every  
5 general hospital which maintains facilities for providing out-patient  
6 emergency medical care must provide such care to any person who, in the  
7 opinion of a physician, requires such care.  
8 § 3. This act shall take effect on the ninetieth day after it shall  
9 have become a law.