

# STATE OF NEW YORK

5762--A

2019-2020 Regular Sessions

## IN SENATE

May 14, 2019

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

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 Article 29-B of the public health law is REPEALED.

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

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

§ 3. Subdivision 5 of section 2994-cc of the public health law, as amended by chapter 430 of the laws of 2017, is amended to read as follows:

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

§ 4. Subdivision 5 of section 2994-cc of the public health law, as amended by chapter 708 of the laws of 2019, is amended to read as follows:

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

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1 5. Consent by a patient or a surrogate for a patient [~~in a mental~~  
2 ~~hygiene facility shall be governed by article twenty-nine-B of this~~  
3 ~~chapter~~] in a facility operated or licensed by the office of mental  
4 health shall be governed by this article. Consent by a patient who is  
5 intellectually or otherwise developmentally disabled and is eligible for  
6 life-sustaining treatment pursuant to section seventeen hundred  
7 fifty-b of the surrogate's court procedure act shall be governed by that  
8 section.

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

11 § 2994-ff. Interinstitutional transfer. If a patient with a nonhospi-  
12 tal order not to resuscitate is admitted to a hospital, or if a hospital  
13 patient with an order not to resuscitate is transferred from a hospital  
14 to a different hospital, the order shall be treated as an order not to  
15 resuscitate for a patient transferred from another hospital, and shall  
16 be governed by [~~article twenty-nine-CC of this chapter, except that any~~  
17 ~~such order for a patient admitted to a mental hygiene facility shall be~~  
18 ~~governed by article twenty-nine-B~~] section twenty-nine hundred ninety-  
19 four-1 of this chapter.

20 § 6. This act shall take effect on the ninetieth day after it shall  
21 have become a law; provided, however, that if chapter 708 of the laws of  
22 2019 shall not have taken effect on or before such date then section  
23 four of this act shall take effect on the same date and in the same  
24 manner as such chapter of the laws of 2019 takes effect.