STATE OF NEW YORK

1084

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GOTTFRIED, DINOWITZ, L. ROSENTHAL, D'URSO, GALEF -- read once and referred to the Committee on Health

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 Assembly, 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, treatment and services, unless medically contraindicated, and to refuse medication, treatment or services after being fully informed of the consequences 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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