

STATE OF NEW YORK

874

2019-2020 Regular Sessions

IN SENATE

January 9, 2019

Introduced by Sens. RIVERA, KRUEGER, SEPULVEDA -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. Subdivision 3 of section 461-d of the social services law
2 is amended by adding two new paragraphs (l) and (m) to read as follows:

3 (l) Every resident or, in the case of a person who lacks capacity to
4 consent to his or her health care, a person legally authorized to
5 consent on behalf of the resident, shall have the right to be fully
6 informed by his or her physician, or other health or mental health
7 provider of his or her medical condition and proposed medication, treat-
8 ment and services, unless medically contraindicated, and to refuse medi-
9 cation, treatment or services after being fully informed of the conse-
10 quences of such actions; provided that an operator acting reasonably and
11 in good faith, shall not be held liable or penalized for complying with
12 the refusal of such medication, treatment or services by a resident or,
13 in the case of a person who lacks capacity to consent to his or her
14 health care, a person legally authorized to consent on behalf of the
15 resident, who has been fully informed of the consequences of such
16 refusal.

17 (m) Every resident or, in the case of a person who lacks capacity to
18 consent to his or her health care, a person legally authorized to
19 consent on behalf of the resident, shall have the right to choose the
20 resident's own health care providers for services not covered by his or
21 her admission agreement, subject to limitations that may apply as a
22 result of a resident's third party payor coverage.

23 § 2. This act shall take effect on the thirtieth day after it shall
24 have become a law.

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

LBD03365-01-9