STATE OF NEW YORK

5508

2021-2022 Regular Sessions

IN ASSEMBLY

February 19, 2021

Introduced by M. of A. GUNTHER, GOTTFRIED, BRONSON -- 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 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 Article 29-B of the public health law is REPEALED.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 708 of the laws of 2019, 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. Section 2994-ff of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

§ 2994-ff. Interinstitutional transfer. If a patient with a nonhospital order not to resuscitate is admitted to a hospital, **or if a hospital patient with an order not to resuscitate is transferred from a hospital 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.

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resuscitate for a patient transferred from another hospital, and shall be governed by [~~article twenty-nine-CC of this chapter, except that any such order for a patient admitted to a mental hygiene facility shall be governed by article twenty-nine-B~~] **section twenty-nine hundred ninety-four-l** of this chapter.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law.