

# STATE OF NEW YORK

4954--A

Cal. No. 317

2021-2022 Regular Sessions

## IN ASSEMBLY

February 9, 2021

Introduced by M. of A. PICHARDO, SAYEGH, JACKSON -- read once and referred to the Committee on Health -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to the provision of informed consent

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

1 Section 1. Paragraph (g) of subdivision 1 of section 2803 of the  
2 public health law, as added by chapter 2 of the laws of 1988, is amended  
3 to read as follows:

4 (g) The commissioner shall require that every general hospital adopt  
5 and make public an identical statement of the rights and responsibilities  
6 of patients, including, but not limited to:

7 (i) a patient complaint and quality of care review process[-];

8 (ii) a right to receive all information necessary to give informed  
9 consent for any proposed procedure or treatment, and alternate treatment  
10 options including the possible risks and benefits of the procedure or  
11 treatment taking into consideration any known preconditions;

12 (iii) a right to be informed of the name, position and functions of  
13 any hospital staff including medical students and physicians exempt from  
14 New York state licensure pursuant to section sixty-five hundred twenty-  
15 six of the education law, who provide face-to-face care to the patient,  
16 and refuse their treatment, examination or observation, in accordance  
17 with applicable law;

18 (iv) a right to be informed of any human subjects research that  
19 directs or alters a procedure or treatment to be received by the patient  
20 and to voluntarily provide written informed consent to participate,  
21 except as may otherwise be approved by a committee responsible for safe-  
22 guarding the rights and welfare of the research participants at the  
23 hospital in accordance with applicable law;

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

LBD05310-03-1

1     (v) a right to an appropriate patient discharge plan and for patients  
2 other than beneficiaries of title XVIII of the federal social security  
3 act (medicare); and

4     (vi) a right to a discharge review in accordance with section twenty-  
5 eight hundred three-i of this article. The form and content of such  
6 statement shall be determined in accordance with rules and regulations  
7 adopted by the council and approved by the commissioner. A patient who  
8 requires continuing health care services in accordance with such  
9 patient's discharge plan may not be discharged until such services are  
10 secured or determined by the hospital to be reasonably available to the  
11 patient. Each general hospital shall give a copy of the statement to  
12 each patient, or the appointed personal representative of the patient at  
13 or prior to the time of admission to the general hospital, as long as  
14 the patient or the appointed personal representative of the patient  
15 receives such notice no earlier than fourteen days before admission.  
16 Such statement shall also be conspicuously posted by the hospital and  
17 shall be a part of the patient's admission package. Nothing herein  
18 contained shall be construed to limit any authority vested in the  
19 commissioner pursuant to this article related to the operation of hospi-  
20 tals and care and services provided to patients.

21     § 2. This act shall take effect on the first of January next succeed-  
22 ing the date on which it shall have become a law. Effective immediate-  
23 ly, the addition, amendment and/or repeal of any rule or regulation  
24 necessary for the implementation of this act on its effective date are  
25 authorized to be made and completed on or before such effective date.