STATE OF NEW YORK

7551

2021-2022 Regular Sessions

IN ASSEMBLY

May 13, 2021

Introduced by M. of A. ENGLEBRIGHT, GOTTFRIED -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing a health care decisions document registry

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

Section 1. The public health law is amended by adding a new section 2986-a to read as follows:

§ 2986-a. Health care decisions document registry. 1. As used in this section, the following terms shall have the following meanings, unless the context clearly requires otherwise:

(a) "Health care decisions document" or "document" includes but is not limited to a health care proxy under this article, an order not to resuscitate under article twenty-nine-B of this chapter, a document expressing the patient's wishes or beliefs relating to treatment (commonly referred to as a "living will"), a nonhospital order not to resuscitate under article twenty-nine-CCC of this chapter or any judicial order designating an individual as a guardian authorized to make any health care decision for a patient; including such a document in electronic or other form.

(b) "Health care decisions document registry" or "registry" means the system established by the commissioner under subdivision two of this section.

2. The commissioner shall establish and maintain the health care decisions document registry, which shall be an electronic system for collecting, maintaining, and transmitting health care decisions documents, including a searchable database of information.

3. The registry shall be searchable by health care providers and shall be capable of retrieving health care decisions documents included in the registry and producing and distributing digital copies of such docu-

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

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ments. Digital copies of such documents produced by the registry shall be legally valid as if copied from the original document.

4. The registry shall include identifying and contact information for the patient and, as appropriate, the patient's health care agent or other person who is or is likely to be authorized to make health care decisions for the patient when the patient lacks decision-making capacity, and appropriate health care professionals.

5. Any patient or his or her health care agent, surrogate, attending practitioner, or other person acting on the patient's behalf, may submit a copy of a patient's health care decisions document to the registry in accordance with protocols established by the commissioner.

6. When a document previously submitted to the registry has been revoked or modified by the maker of the document, it shall be the duty of the individual who submitted the document to the registry to transmit to the registry notification of such revocation or modification promptly when the individual learns of the revocation or modification.

7. The commissioner shall establish requirements and a mechanism to provide health care providers access to the registry, either through a website-based system or toll-free calling system.

8. The commissioner shall establish and implement protocols to ensure that documents and information transmitted to and contained in the registry are maintained in a secure and confidential manner, are accessible only by users designated by the commissioner, and are available in an emergency. Such protocols shall include a mechanism to monitor and record access to the registry.

9. There shall be no fee or charge for submitting a document or information to or storing it on the registry, searching the registry, or obtaining a copy of a document or information from the registry.

10. The commissioner may enter into a contract for the operation of the registry, subject to such terms and conditions as may be contained within such contract, with a not-for-profit organization. The contractor may subcontract as needed for the effective performance of the contract. All such subcontractors and the terms of such subcontracts shall be subject to approval by the commissioner.

11. The commissioner shall make regulations under this section.

§ 2. This act shall take effect immediately.