

STATE OF NEW YORK

1172

2021-2022 Regular Sessions

IN SENATE

January 7, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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, involved in a patient's care and refuse their
16 treatment, examination or observation;

17 (iv) a right to be informed of any human research and to voluntarily
18 provide written informed consent to participate;

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

22 (vi) a right to a discharge review in accordance with section twenty-
23 eight hundred three-i of this article. The form and content of such
24 statement shall be determined in accordance with rules and regulations
25 adopted by the council and approved by the commissioner. A patient who

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

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1 requires continuing health care services in accordance with such
2 patient's discharge plan may not be discharged until such services are
3 secured or determined by the hospital to be reasonably available to the
4 patient. Each general hospital shall give a copy of the statement to
5 each patient, or the appointed personal representative of the patient at
6 or prior to the time of admission to the general hospital, as long as
7 the patient or the appointed personal representative of the patient
8 receives such notice no earlier than fourteen days before admission.
9 Such statement shall also be conspicuously posted by the hospital and
10 shall be a part of the patient's admission package. Nothing herein
11 contained shall be construed to limit any authority vested in the
12 commissioner pursuant to this article related to the operation of hospi-
13 tals and care and services provided to patients.

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