

STATE OF NEW YORK

1172--A

Cal. No. 107

2021-2022 Regular Sessions

IN SENATE

January 7, 2021

Introduced by Sens. RIVERA, JACKSON, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in 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 responsibil-
6 ities 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,

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

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1 except as may otherwise be approved by a committee responsible for safe-
2 guarding the rights and welfare of the research participants at the
3 hospital in accordance with applicable law;

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

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

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