STATE OF NEW YORK

747

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

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

AN ACT to amend the public health law, in relation to disputes between a surrogate and a hospital or individual health care provider

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

Section 1. Subdivision 3 of section 2994-f of the public health law, as amended by chapter 708 of the laws of 2019, is amended to read as follows:

3. Notwithstanding the provisions of this section or subdivision one of section twenty-nine hundred ninety-four-q of this article, if a surrogate directs the provision of life-sustaining treatment, the denial of which in reasonable medical judgment would be likely to result in the death of the patient, a hospital or individual health care provider that does not wish to provide such treatment shall nonetheless comply with the surrogate's decision pending either transfer of the patient to a willing hospital or individual health care provider, or judicial review in accordance with section twenty-nine hundred ninety-four-r of this article. **This requirement shall not apply when the hospital or individual health care provider is carrying out a patient's decision made pursuant to subparagraph (ii) of paragraph (a) of subdivision three of section twenty-nine hundred ninety-four-d of this article; provided that the surrogate in such instance retains the right to request ethics committee review of the case pursuant to section twenty-nine hundred ninety-four-m of this article, or judicial review in accordance with section twenty-nine hundred ninety-four-r of this article.**

§ 2. This act shall take effect immediately.

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

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