STATE OF NEW YORK

11204

IN ASSEMBLY

May 1, 2026

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

AN ACT to amend the public health law, in relation to making minor amendments to the health and social services practitioners included under the health care proxy law, the family health care decisions act, and nonhospital orders not to resuscitate

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

Section 1. Subdivision 2 of section 2982 of the public health law, as amended by chapter 619 of the laws of 2024, is amended to read as follows:

2. Decision-making standard. After consultation with a licensed physician, registered nurse, physician assistant, nurse practitioner, licensed psychologist, **licensed mental health counselor, licensed marriage and family therapist,** licensed master social worker, or a licensed clinical social worker, the agent shall make health care decisions: (a) in accordance with the principal's wishes, including the principal's religious and moral beliefs; or (b) if the principal's wishes are not reasonably known and cannot with reasonable diligence be ascertained, in accordance with the principal's best interests; provided, however, that if the principal's wishes regarding the administration of artificial nutrition and hydration are not reasonably known and cannot with reasonable diligence be ascertained, the agent shall not have the authority to make decisions regarding these measures.

§ 2. Subdivision 17 of section 2994-a of the public health law, as amended by chapter 619 of the laws of 2024, is amended to read as follows:

17. "Health or social services practitioner" means a registered professional nurse, nurse practitioner, physician, physician assistant, psychologist, **licensed mental health counselor, licensed marriage and family therapist,** licensed master social worker, or licensed clinical social worker, licensed, certified or authorized under the education law acting within such health or social services practitioner's scope of practice.

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

LBD15655-01-6

§ 3. Subdivision 7 of section 2994-aa of the public health law, as added by chapter 8 of the laws of 2010, is amended to read as follows:

7. "Health or social services practitioner" means a registered professional nurse, nurse practitioner, physician, physician assistant, psychologist**, licensed mental health counselor, licensed marriage and family therapist,** or certified, licensed master social worker or licensed clinical social worker, licensed or certified pursuant to the education law, acting within [~~his or her~~] **their** scope of practice.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law.