

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:

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

4 2. Decision-making standard. After consultation with a licensed physi-
5 cian, registered nurse, physician assistant, nurse practitioner,
6 licensed psychologist, licensed mental health counselor, licensed
7 marriage and family therapist, licensed master social worker, or a
8 licensed clinical social worker, the agent shall make health care deci-
9 sions: (a) in accordance with the principal's wishes, including the
10 principal's religious and moral beliefs; or (b) if the principal's wish-
11 es are not reasonably known and cannot with reasonable diligence be
12 ascertained, in accordance with the principal's best interests;
13 provided, however, that if the principal's wishes regarding the adminis-
14 tration of artificial nutrition and hydration are not reasonably known
15 and cannot with reasonable diligence be ascertained, the agent shall not
16 have the authority to make decisions regarding these measures.

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

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

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

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

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

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