STATE OF NEW YORK

916

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

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

AN ACT to amend the public health law, in relation to health care agents and proxies, decisions under the family health care decisions act, and nonhospital orders not to resuscitate; and to repeal certain provisions of the public health law relating thereto

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

Section 1. The opening paragraph of section 2992 of the public health law, as amended by a chapter of the laws of 2024 amending the public health law relating to making technical, minor and coordinating amendments regarding health care agents and proxies, decisions under the family health care decisions act, and nonhospital orders not to resuscitate, as proposed in legislative bills numbers S. 3283-A and A. 7184-A, is amended to read as follows:

The health care provider **or guardian** of the principal under article eighty-one of the mental hygiene law or article seventeen-A of the surrogate's court procedure act, members of the principal's family, a close friend of the principal as defined in subdivision four of section twenty-nine hundred ninety-four-a of this chapter, or the commissioner, the commissioner of mental health, or the commissioner of developmental disabilities may commence a special proceeding pursuant to article four of the civil practice law and rules, in a court of competent jurisdiction, with respect to any dispute arising under this article, including, but not limited to, a proceeding to:

§ 2. Paragraph (b) of subdivision 3 of section 2994-e of the public health law, as amended by a chapter of the laws of 2024 amending the public health law relating to making technical, minor and coordinating amendments regarding health care agents and proxies, decisions under the family health care decisions act, and nonhospital orders not to resusci-

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

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tate, as proposed in legislative bills numbers S. 3283-A and A. 7184-A, is amended to read as follows:

(b) If the hospital can with reasonable efforts ascertain the identity of the parents or guardian of an emancipated minor patient **and obtain such parents' or guardian's contact information**, the hospital shall [~~make diligent efforts to~~] notify such persons, and [~~documents~~] **document** such [~~diligent efforts~~] **notification** in the patient's medical record, prior to withholding or withdrawing life-sustaining treatment pursuant to this subdivision.

§ 3. Subdivision 12 of section 2994-aa of the public health law is REPEALED.

§ 4. Subdivisions 2 and 6 of section 2994-dd of the public health law, as amended by a chapter of the laws of 2024 amending the public health law relating to making technical, minor and coordinating amendments regarding health care agents and proxies, decisions under the family health care decisions act, and nonhospital orders not to resuscitate, as proposed in legislative bills numbers S. 3283-A and A. 7184-A, are amended to read as follows:

2. A nonhospital order not to resuscitate shall be issued upon a standard form prescribed by the commissioner. A standard bracelet or other article [~~that~~] may be worn by a patient with a nonhospital order not to resuscitate to identify that status; provided, however, that no person may require a patient to wear such [~~a bracelet~~] **an article** and that no person may require a patient to wear such [~~a bracelet~~] **an article** as a condition for honoring a nonhospital order not to resuscitate or for providing health care services.

6. The commissioner may authorize the use of one or more alternative forms for issuing a nonhospital order not to resuscitate (in place of the standard form prescribed by the commissioner under subdivision two of this section). Such alternative form or forms may also be used to issue a non-hospital do not intubate order. Any such alternative forms intended for use for persons with developmental disabilities or persons with mental illness who are incapable of making their own health care decisions or who have a guardian of the person appointed pursuant to article eighty-one of the mental hygiene law or article seventeen-A of the surrogate's court procedure act must also be approved by the commissioner of developmental disabilities or the commissioner of mental health, as appropriate. An alternative form under this subdivision shall otherwise conform with applicable federal and state law. This subdivision does not limit, restrict or impair the use of an alternative form for issuing an order not to resuscitate in a general hospital or residential health care facility under article twenty-eight of this chapter or a hospital under subdivision ten of section 1.03 of the mental hygiene law [~~or a developmental disabilities services office under section 13.17 of the mental hygiene law~~] **or a facility certified or operated by the office for people with developmental disabilities**.

§ 5. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the public health law relating to making technical, minor and coordinating amendments regarding health care agents and proxies, decisions under the family health care decisions act, and nonhospital orders not to resuscitate, as proposed in legislative bills numbers S. 3283-A and A. 7184-A, takes effect.