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MEMORANDUM OF SUPPORT, NYSPHA SUPPORTSA.210, S. 8280, law governing pre-admission hospital disclosure protocols relating to the refusal to follow directives specified in health care proxiesthat are contrary to a hospital's operating principles.

**Background:**

NYSPHA SUPPORTSA.210, S. 8280, which amends the law governing pre-admission hospital disclosure protocols relating to the refusal to follow directives specified in health care proxies.

**Summary of Provisions**

* Section one amends paragraph (a) of subdivision 3 of section 2984 of the Public Health Law.
* Section two amends Paragraph (b) of subdivision 1 of section 2994-n of the Public Health Law.
* Section three sets forth the effective date.

**Need**

Public Health Law Section 2984 requires that health care providers honor advance directives with one exception: if the agent's decision is contrary to a formally adopted policy of the hospital that is expressly based on religious beliefs or sincerely held moral convictions central to the facility's operating principles, and the hospital would be permitted by law to refuse to honor the decision if made by the principal.

Such notice, under current law, must be given either to the patient or the health care agent prior to or upon admission, if reasonably possible.

In practice, it is not sufficient to give notice of the policy upon admission or after admission, because once the patient is in the institution, it is cumbersome to alter care plans, and it creates a burden on the patient and family members to transfer the patient to another facility. End of Life Choices New York was involved in a case where preadmission notice could have been given but was not, causing unnecessary suffering and resulting in a critical letter from the NYSDOH to the nursing home.

This bill would amend the Public Health Law to require that notice be given prior to admission, except in emergency situations.

If such information is given upon admission or later, an explanation as to why such information was not given prior to admission shall be given to the patient or health care agent or other lawful surrogate and shall be placed in writing in the patient's medical record.

NYSPHA Recommends: NYSPHA strongly supports A.210, S. 8280, law governing pre-admission hospital disclosure protocols relating to the refusal to follow directives specified in health care proxies. New Yorkers cannot afford another delay.

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