



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

APPROVAL # 66
CHAPTER # 742

December 22, 2023

MEMORANDUM filed with Assembly Bill 4332, entitled:

“AN ACT to amend the public health law, in relation to orders not to resuscitate; and to repeal article 29-B of the public health law relating to orders not to resuscitate for residents of mental hygiene facilities”

A P P R O V E D

This bill aligns the legal standard for orders not to resuscitate a patient who lacks decision-making capacity in a mental hygiene facility with the standard used in other hospital settings. The bill also clarifies that the Surrogate’s Court Procedure Act applies to consent for life-sustaining treatment for persons with intellectual or developmental disabilities.

I fully support the goals of this bill, which have to ensure that patients in psychiatric hospitals and psychiatric units of general hospitals are afforded the same protections provided to patients in other hospital settings. However, to ensure effective implementation of this bill, technical changes were needed to define key terms and clarify provisions related to the applicability and transferability of orders. Additionally, to better protect patients, a change was necessary to require that mental hygiene legal service is notified of determinations that a surrogate will be making health care decisions when a patient is determined to lack decision-making capacity in a mental hygiene hospital.

I have reached an agreement with the Legislature to enact these changes. On the basis of this agreement, I am pleased to sign this bill.

This bill is approved.

Kathy Hochul