

November 19, 2024

The Honorable Kathy Hochul  
Governor  
NYS State Capitol  
Albany, NY 12224

Re: A.7872-A (Paulin) / S.8632-A (Hoylman-Sigal)

Dear Governor Hochul,

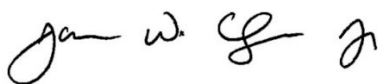
LeadingAge New York and its not-for-profit, mission-driven members write to you today with suggested improvements to legislation A.7872-A (Paulin)/S.8632-A (Hoylman-Sigal). This bill would amend the Public Health Law to require attending health care practitioners for patients with terminal illnesses or conditions to counsel patients about the benefits of completing a health care proxy (HCP). While well-intentioned, this bill inappropriately limits patients who should receive counseling regarding HCPs.

All adults should be encouraged to have an HCP and regularly review and update it, regardless of their medical condition. Having an HCP in place can be critical to honoring the care preferences of an individual, in the event that they lose the ability to make their own health care decisions. This can happen unexpectedly, at any age, due to an accident or sudden illness. Appointing a health care agent in advance can help ensure that health care providers have a basis for determining and following the patient's wishes, even when the patient is unable to make their own decisions.

Tying the completion of an HCP solely to a terminal diagnosis, as this legislation does, may inadvertently send the message that HCPs are only relevant for terminally ill patients. This bill would exclude individuals who would benefit from advance care planning initiatives, but do not have a terminal prognosis and are not aware of HCPs as an option. Instead, New York should normalize advanced care planning for all adults, not just for individuals approaching the end of life or facing a difficult diagnosis.

For these reasons, LeadingAge NY strongly recommends this bill be amended to include a wider range of patients.

Sincerely,



James W. Clyne, Jr.  
President and CEO  
LeadingAge New York