



**NATIONAL HEALTHCARE
DECISIONS DAY**
★ *your decisions matter* ★

The Passage of Family Healthcare Decisions Day Act

2010

The Family Health Care Decisions Act allows family members and others who are closest to the patient to act as surrogates and make decisions regarding medical treatment for a loved one in certain limited situations. The law includes numerous safeguards to ensure sound medical treatment and that decisions are made consistent with the patient's wishes and best interests. **The law is effective June 1, 2010.**

The legislation was 17 years in the making. Each year, about 75,000 people in New York die lacking the capacity to make their own health care decisions and without a designated a health care proxy.

New York had been one of the few states that prohibited family members from making health care decisions for incapacitated loved ones unless the patient had signed a health care proxy or left "clear and convincing evidence" of his or her treatment wishes.

As a result, some incapacitated patients were denied appropriate palliative treatment that improved quality of life and reduced suffering, while others were subjected to burdensome, highly invasive treatment that potentially violated their wishes and prolonged their suffering.

For example, loved ones weren't able to have a patient moved from acute care to palliative care.