

OpEd

7/28/09

Body to text - 388 words

## **Assembly must pass Family Health Care Decisions Act**

**By Patricia Bomba, MD**

Congratulations to the New York State Senate for recently passing the Family Health Care Decisions Act, a bill that will allow a family member, partner or trusted friend to act as a surrogate medical decision-maker on behalf of a patient who has become incapacitated without leaving specific instructions about medical care. The New York State Assembly now must do its part by passing Assembly bill, A. 7729C, so that Governor Paterson can sign the Family Health Care Decisions Act into law.

This legislation, which is already the law in virtually every other state, is necessary here because the vast majority of New Yorkers have not completed an advance directive.

How necessary? According to a first-of-its-kind survey commissioned last year by Excellus BlueCross Blue Shield, nearly nine of 10 upstate New Yorkers surveyed said it's important to have someone close to them making medical care decisions on their behalf if they were to have an irreversible terminal condition and were unable to communicate or make decisions. Yet, only 42 percent have designated a "health care proxy" to ensure their wishes are actually carried out.

The Family Health Care Decisions Act would correct this problem.

The legislation has numerous safeguards. The bill enables family members or other close loved ones to make health-care decisions for a patient only if an attending physician and a second health-care professional determine the patient lacks capacity. Decisions must be consistent with the patient's wishes (including his or her religious and moral beliefs) or, if the patient's wishes are not reasonably known, decisions must be made in his or her best interest. Life-sustaining treatment decisions can be refused only in limited situations, when a patient is terminally ill or permanently unconscious, or has an irreversible or incurable condition and treatment would involve such suffering or other burden that it would be deemed excessively burdensome under the circumstances.

This type of legislation has been under consideration in our state for 16 years so passage of the Family Health Care Decisions Act is long overdue. The Senate has done its part. The New York State Assembly now needs to pass this important bill before the end of the year so that the Governor can make it the law.

For more information on this legislation I encourage everyone to "Take Action" and visit the "Advocacy Page" at [www.CompassionAndSupport.org](http://www.CompassionAndSupport.org).

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