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MEMORANDUM OF SUPPORT, NYSPHA SUPPORTSA. 1303, S. 8279, which would require only one witness to the signing of a health care proxy, except for patients in mental health facilities.

Background:

An act to amend the public health law, in relation to witnesses to a health care proxy and to amend the penal law, in relation to the crime of forgery in the second degree.

This bill changes the number of witnesses required for the appointment of a health care agent by health care proxy.

Individuals deserve to have their health care wishes honored, yet a large majority of New York residents do not have a health care proxy for times when they cannot express their health care preferences. As a result, their wishes are often unknown, and they might be given medical treatment that they would not want or not given treatment that matches

their choices.

This bill streamlines the process of assigning a health care proxy by reducing the number of witnesses required to be present at the signing of the proxy. The legislation makes an exception for those individuals who are more vulnerable by maintaining the requirement for two witnesses for individuals who reside in mental health facilities operated and

licensed by the state. In these instances, the presence of two witnesses provides protection against exploitation.

No witnesses are required for the signing of a Medical Orders for Life Sustaining Treatment (MOLST) form. It addresses many of the same health care issues regarding life sustaining treatment that a health care agent address and health care agents can sign the MOLST form if the patient lacks decision making capacity.

Additionally, we are not aware of cases involving coercion or fraud by witnesses to health care proxies, and if it occurs, it is a felony.

End of Life Choices New York **supports** A.1303, S. 8279 and urges its enactment.

NYSPHA Recommends: We strongly support A. 1303, S. 8279, which would require only one witness to the signing of a health care proxy, except for patients in mental health facilities.New Yorkers cannot afford another delay.

Direct questions to: [advocacy@nyspha.org](mailto:advocacy@nyspha.org)

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