

New York Advance Directives

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A New York advance directive is a document that allows a person to pre-select their medical treatment options in the event they cannot speak for themselves. The form outlines how a person is to be treated with a spokesperson, an “agent”, to make the decisions on their behalf and in accordance with their wishes. It also includes post-death options such as making anatomical gifts in the form of organ and tissue donation.

Advance Directive Includes

- Health Care Proxy
- Living Will
- Medical Orders for Life Sustaining Treatments (MOLST)

Laws

Statute – Article 29-C (§§ 2980 – 2994)

Signing Requirements (PBH § 2981) – Two (2) adult witnesses. The person appointed as agent shall not act as witness to execution of the health care proxy.

State Definition 400.21(b) – An advance directive means a type of written or oral instruction relating to the provision of health care when an adult becomes incapacitated, including but not limited to a health care proxy, consent to the issuance of an order not to resuscitate or other medical orders for life-sustaining treatment (MOLST) recorded in a patient’s/resident’s medical record, and a living will.