



*Representing the advocacy interests  
of hospitals and health systems on Long Island and in the Hudson Valley*

# SUPPORT

## MEMORANDUM

June 7, 2018

TO: Members, Long Island Delegation of the New York State Legislature  
Members, Hudson Valley Delegation of the New York State Legislature

FROM: Kevin W. Dahill, President and CEO

RE: S.7713 (Hannon) — Advanced to Third Reading in Senate  
A.10345 (Gottfried) — Amended On Third Reading 10345a in Assembly

S.7713-B/A.10345-A would amend Public Health Law to allow nurse practitioners to witness healthcare proxies and determine the competency of patients with a proxy. **The Suburban Hospital Alliance of New York State strongly supports this bill.**

The law currently permits physicians to witness healthcare proxies, act as healthcare agents and determine the competency of the patient to make healthcare decisions. This bill would extend the physician's privileges to the attending nurse practitioner, and in the case of patients with developmental disabilities or mental illness, to nurse practitioners with specialized training and experience in those areas.

Nurse practitioners possess the skills and expertise needed to have conversations with patients about their care, including who they would like to make decisions for them in the event that they are unable to make decisions for themselves. Allowing the same nurse practitioner to witness the healthcare proxy designation maintains the continuity of care for the patient, increases completion rates, and helps to ensure that the appropriate family members are engaged during end-of-life care.

The attending nurse practitioner is most familiar with the patient, their condition and their course of treatment and can determine when the patient's capacity is diminishing based on their history with the patient. A clinician who has built trust and rapport with the patient is better equipped to have difficult conversations regarding diminished capacity.

Recent legislative activity already has expanded the role of the nurse practitioner in care planning. Just last year, the legislature passed and the governor signed a bill that permits nurse practitioners to execute orders not to resuscitate and orders relating to life sustaining treatment. Conversations

regarding healthcare proxies and determinations of patient competency are a natural extension of this expanded scope of practice.

**For the reasons cited above, the Suburban Hospital Alliance urges your support for S.7713-B and A.10345-A.**