

STATUS:

S 2225 HUNTLEY Same as [A 2003 Weisenberg](#)

ON FILE: 02/19/09 Surrogate's Court Procedure Act

TITLE....Makes technical correction to provisions designating surrogate decision-making committees as guardians of mentally retarded persons

02/13/09 REFERRED TO JUDICIARY

03/03/09 1ST REPORT CAL.73

03/04/09 2ND REPORT CAL.

03/05/09 ADVANCED TO THIRD READING

03/09/09 SUBSTITUTED BY A2003

A02003 Weisenberg

01/14/09 referred to judiciary

01/22/09 reported

01/22/09 advanced to third reading cal.28

01/27/09 passed assembly

01/27/09 delivered to senate

01/27/09 REFERRED TO JUDICIARY

03/09/09 SUBSTITUTED FOR S2225

03/09/09 3RD READING CAL.73

03/09/09 PASSED SENATE

03/09/09 RETURNED TO ASSEMBLY

03/26/09 delivered to governor

04/07/09 signed chap.12

A2003 Weisenberg Same as [S 2225 HUNTLEY](#)

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**NEW YORK STATE SENATE
INTRODUCER'S MEMORANDUM IN SUPPORT
submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S2225

SPONSOR: HUNTLEY

TITLE OF BILL:

An act to amend the surrogate's court procedure act, in relation to a surrogate decision-making committee acting as the guardian of a mentally retarded person

PURPOSE:

To make a technical correction to Chapter 262 of the Laws of 2008 which allowed Surrogate Decision Making Committees to make certain treatment decisions pursuant to section 1750-b of the Surrogate's Court Procedure Act.

SUMMARY OF PROVISIONS:

Section one of the bill removes the word "court" which was inappropriately included in the reference to a surrogate decision making committee.

JUSTIFICATION:

The Health Care Decisions Act (HCDA) for persons with Mental Retardation was originally enacted as Chapter 500 of the Laws of 2002. It has been subsequently amended several times to among other things, allow Surrogate Decision Making Committees (SDMCs) to make major medical decisions on behalf of individuals with developmental disabilities. Chapter 262 of the laws of 2008, which this bill makes a technical amendment to, authorizes SDMCs to make a decision to withhold or withdraw life-sustaining treatment only if no guardian or involved family member, as authorized by Chapter 105 of 2007, is available. It also authorizes dispute mediation systems or a hospice ethics committee to attempt non-binding resolution of a dispute emanating from an objection to a decision. If mediation is not available or unable to resolve a dispute, the objection proceeds to judicial review.

LEGISLATIVE HISTORY:

New Bill making a technical amendment to Chapter 262 of 2008.

FISCAL IMPLICATIONS:

There is no fiscal impact.

EFFECTIVE DATE:

Immediately.