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**THE LEAGUE
OF WOMEN VOTERS**
of New York State

MEMORANDUM IN SUPPORT OF:
A.7729/GOTTFRIED

TO: New York State Assembly Health Committee
DATE: MAY 12, 2009

Subject: AN ACT to amend the public health law, in relation to establishing procedures for making medical treatment decisions on behalf of persons who lack the capacity to decide about treatment for themselves.

The League of Women Voters of New York State supports the above reference legislation that would provide procedures for medical decision-making when patients are unable to make vital health care decisions themselves. The League of Women Voters of New York State believes in the principle that individuals should participate with physicians and family in decisions regarding their personal health. In situations which preclude personal health care decision-making, the League believes that a patient's wishes are best safeguarded and appropriate treatment decisions are best made, by the family or other closest to them in consultation with physicians and other professionals responsible for treatment and care.

In passing this legislation, New York State will send the message that they affirm an individual's autonomy and the exercise of informed consent by allowing those who know the patient—their wishes and beliefs—to make treatment decisions on their behalf. These essential decisions affect the comfort and dignity of loved ones as well as avoid any unnecessary pain and suffering.

The League believes that patient decisions, including those made prior to need, should be respected. In some cases, the wishes of the patient have not been formalized through a health care proxy, but nonetheless family members or those close to the patient possess the knowledge of the patient's religious and moral beliefs, as well as, their personal wishes. Yet, in New York State there is no legislation or even case law which provides any protections for the rights of patients inherently, or rendered, incapable of decision-making. Their families and close friends are powerless to make the treatment decisions that the patient would have chosen if competent.

For the above reasons, the League of Women Voters of New York State strongly urges your support for A.7729.