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

**MEMORANDUM IN SUPPORT OF:**  
**S.3164 / Duane**

**TO: Senate Health Committee**  
**DATE: May 19, 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 and to repeal certain provisions of such law relating thereto.

***The League of Women Voters of New York State strongly supports S.3164 the “Family Health Care Decisions Act.”***

The League of Women Voters of NYS has supported the Family Health Care Decision Act since 1995. The Family Health Care Decision Act establishes procedures authorizing family members or other persons close to patients who lack decision-making capacity to decide about treatment, in consultation with health care professionals and in accord with specified safeguards. The new Articles 29-CC and 29CCC includes special procedures and standards for decisions about life-sustaining treatments. This bill inherently considers a diverse patient population, including individuals who are mentally ill, elderly, developmentally disabled, homeless and children where often there is neither clear evidence of wishes nor a health care proxy is ever a possibility. When there are no advanced directives, New York State law currently leaves family members unable to refuse treatment despite their deep commitment to respect the patient's values or their desire to discontinue treatment, imposing excessive burdens on the patient without offering hope for cure, recovery or relief of suffering. The New York State Task Force on Life and the Law, has concluded that decisions about life-sustaining treatment are best made in the context of the family or other personal relationships, and with appropriate safeguards, is what most people would want and choose for themselves. The bill also establishes procedures for patients without family members or close friends.

The “Family Health Care Decisions Act” supports the League’s position on personal health decision making.

***For the above reasons, the League of Women Voters of New York State strongly urges your support of S.3164.***