Draft Minutes  
Bioethics Committee Meeting  
Friday, February 8, 2019  
8:30 to 11 AM

Present  
Jeffrey Berger, MD, Chair  
Maria Basile, MD  
Patricia Bomba, MD  
Stanley Bukowski, MD  
Robert Milch, MD  
Charyl Ann Morrow, MD  
Anthony Pivarunas, DO  
Joel Potash, MD  
Peter Rogatz, MD  
Charles Rothberg, MD  
Corinne Salanson-Lajos, MD  
Renee Solomon, MD  
Sally White, MD  
Janine Fogarty, MD, Commissioner  
Joshua Cohen, MD, Commissioner

Excused  
Joseph Maldonado, MD  
John O'Brien, MD

Absent  
Wen Dombrowski, Vice-Chair  
Gregory Bennett, MD  
Matthew Bonanno, MD  
Gino Bottino, MD  
Paul Burcher, MD  
Arthur Cooper, MD  
Stanley Pietrek, MD

1) Welcome
2) Approval of minutes ų November 2, 2019 ų accepted
3) Presentation by Robert Swidler, Esq., counsel to St. Peters Health Care ų 2019 legislative bills/proposals to improve surrogate decision-making laws in NYS. Following Mr. Swidler’s presentation there were comments that included:

• Concerns whether “licensed master social worker” should be added to the list of people under NYS Healthy Care Proxy Law. In nursing home settings, most social workers know the patients very well. Should school personnel be listed under this also? It was pointed out that schools do not honor DNR law because it has not been entered into law, therefore the state board of education will not consider this. Can support be obtained from pediatricians to amend the education law?

• There is DNR law in mental hygiene, there is no need for additional DNR law. What is actually meant by “futility” and who determines when things become futile. The subject of futility demands an ethics consult. It can be difficult to define. The question is what goals can be accomplished.

• Extend the FHCDA to Home Health Care Agencies. Agencies can choose to “opt in” when there is the ability for a person with intellectual disabilities to assign a health care proxy, what additional protections would be provided?

4) Medical Aid in Dying Bill ų There was general discussion of the bill. Bill a2694 is similar to last year’s bill. It would authorize the providing of medication to patients who wish to end their life. As of this date it has not been introduced into the senate. It is anticipated that it will be introduced shortly. Members of this committee received copies of the Advocates for Dying survey. It was pointed out that although the response to the MSSNY’s survey was low, MSSNY’s survey was tailored toward physicians that might have more exposure to terminally ill
patients. It was not sent to everyone. It was sent to primary care physicians and physicians who
take care of patients in need of palliative care. It was noted the MSSNY’s survey included
physicians on both sides of the issue. The Compassionate Choice Survey also had a low
response rate. It would be helpful in reviewing the Advocates in Dying survey to know who and
how many were surveyed. Dr. Milch will provide information to the Committee on this. The new
bill that has been introduced has several amendments which address concerns over last year’s
bill.

- It clarifies the definition of capacity
- Ensures that hospice is included in the definition of health care facility
- Restricts the type of health care professional that can participate in aid in dying

A recommendation was made that this committee assume a neutral stance similar to other
states. Ms. Clancy indicated that the Task Force on End of Life Care was created in response
to end of life issues and will consider this measure in the future.

For future discussion:
- Care of undocumented patients
- RHA
- Parents taking children to another state to get a more precise diagnosis
- Legislation allowing PA’s to participate in End of Life care decisions