

**Draft Minutes
Committee on Bioethics
May 10, 2019
8:30 AM via Webex**

Present

Janine Fogarty, MD, Asst. Commissioner
and Vice-Chair
Jeffrey Berger, MD, Chair
Gregory Bennett, MD
Patricia Bomba, MD
Gino Bottino, MD
Stanley Bukowski, MD
Robert Milch, MD
John O'Brien, MD
Anthony Pivarunas, DO
Joel Potash, MD
Peter Rogatz, MD
Corinne Salanson-Lajo, MD
Renee Solomon, MD
Sally White, MD

Excused

Joshua Cohen, MD, Commissioner
Maria Basile, MD
Arthur Cooper, MD

Absent

Joseph Maldonado, MD
Cheryl Morrow, MD
Stanley Pietrak, MD
Cheryl Stier, Alliance

Staff

Pat Clancy, Sr. Vice President, Public Health
and Education
Maureen Ramirez, Administrative Asst.

1 **1) Welcome**

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3 **2) Review of minutes from February 8, 2019 – accepted as amended.**

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5 **3) S.4841-A.1162-A Authorizes physician assistants to execute DNR order**

6 Nurse practitioners currently have this ability, physician assistants do not. Capacity assessment
7 is not a part of physician assistants training. Concern that there isn't enough training in this
8 area. The goal is to make DNR orders more accessible for people who do not have physicians
9 around at this time. Question whether NP's have training in their program? A question
10 whether physicians have training in capacity. Is this standard training? Is a mandatory psych
11 rotation part of the PA curriculum? Not all programs have a psych rotation. The industry
12 moved away from the idea the psychiatrists are the only ones trained to determine capacity.
13 Capacity assessment should be a critical part of training, especially when considering widening
14 the scope of who can fulfill DNR orders. There doesn't seem to be any type of regulation
15 regarding assessment and documentation with regard to this topic. Suggestion that it should
16 read "physician assistants that are properly credentialed". Questions regarding PA's in nursing
17 homes. Those individuals have to be properly credentialed to work there. Need to look at the
18 difference. The committee will send a letter expressing concerns over bill, including the
19 education, training and complex decision making required. Could the State Education

20 Department weigh-in on education requirements for PA's and NP's? The consensus of the
21 committee is that it does not support this bill in its present form.

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23 **4) S.3947-A.2694 Aid in Dying Legislation** - both senate and assembly bills remain in
24 committee. There have been concerns voiced by both the elder and the disabled communities
25 regarding this bill. There was a note that this bill does not deal with "non-terminally" ill people.
26 It was noted that the EOL Task Force has a paper regarding this topic. Ms. Clancy will send a
27 copy of the task force papers to committee members. The End of Life Task Force is looking into
28 a wide range of end of life issues in New York State. The Bioethics Committee is charged with
29 reviewing the "ethical" issues related to aid in dying. A revision from this committee was
30 affirmed in 2015 at the MSSNY House of Delegates. A motion that the committee take a neutral
31 stance on this topic was made. There was an objection from a committee member say that
32 being "neutral" sends a message that it is ok. Several concerns were expressed that aid in dying
33 does not have the appropriate safeguards in place. More information is required. This motion
34 was tabled at this time.

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36 **5) Health Care for the Undocumented Patient** – Lisa Sbrana, Division of Eligibility and
37 Marketplace Integration, New York State Department of Health, Office of Health Insurance
38 Programs. Ms. Sbrana explained the coverage available to undocumented individuals in the
39 state of New York. All children under the age of 19 can have health care coverage.
40 Undocumented individuals can apply for health care coverage in the marketplace. Anyone in
41 need of care and without coverage upon arriving at the hospital, can fill out a Medicaid
42 application in the ER and submit for billing. Long term care is excluded except for cancer
43 treatment and kidney dialysis. The premise is everyone should receive a minimal standard of
44 care. If you are here on a visa, all are eligible for coverage under federal rules. Ms. Sbrana will
45 send copies pertaining to this presentation to Ms. Clancy for distribution to the committee.

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47 **6) Next Meeting** - September 27, 2019