

# Alternatives to Marriage PROJECT

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## New Yorkers: don't let marital status restrict your hospital rights!

Have you filled out your living will and your medical proxy? Do you wonder who can visit you in the hospital? Across the United States, unmarried people are worried about medical decision-making and visitation. Here in New York State, there is some good news, bad news, and important work to be done.

### The GOOD News:

- ☼ New York State law ensures **visitation** rights for domestic partners in all medical facilities. This includes registered partners and stretches to people who lease shared property! It is now very unlikely that you would be denied access to a loved one in the hospital.
- ☼ Every New Yorker has the right to designate a medical **decision-maker**, and to choose whether to have extraordinary resuscitation.

### The BAD News:

- ☼ Most people don't know or use their rights. Research shows that nearly half of emergency physicians don't know whether patients want life-sustaining treatment, and don't know who should make medical decisions for their patients. Research also shows that doctors are less likely to know the wishes of unmarried than married people.
- ☼ If you are unconscious and have *not* named a decision-maker, your **doctors** will make all medical decisions for you - NY law does not advise them to consult anyone else, except in this special situation: If you need extraordinary resuscitation and have not told your doctors to let you go, NY says they must revive you unless they believe you will not recover. Even then, they cannot let you go without someone's consent. They must try to get consent from your spouse, adult children, parents and siblings, *in order*, **before** they can consult your 'close friend.'

### WHAT can be done: New York State should

- ☼ Advertise that domestic partners and other unmarried people have the **same visitation rights** as spouses.
- ☼ Advertise that getting married does **not give anyone medical decision-making rights**, except in 'do not resuscitate' situations.
- ☼ Create an electronic registry for advance directives; make it easy for people to register and easy for doctors to access.
- ☼ Pass the Family Health Care Decisions Act to protect people who don't document their wishes.

### HOW we'll do it: in 2009, AtMP will

- ☼ lobby in support of the Family Health Care Decisions Act;
- ☼ mobilize AtMP members in NY to contact the state legislature and media;
- ☼ offer workshops on hospital rights for members of AtMP and allied LGBT organizations in NY; and
- ☼ educate all AtMP members about hospital rights as part of National Healthcare Decisions Day.

