NEW YORK STATE | Department of Health

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July 24, 2026

DHDTC DAL#: 26-09
Public Health Law Section Article 28-F
Medical Aid in Dying

Dear Chief Executive Officers and Administrators:

This letter is to inform you about requirements related to Medical Aid in Dying under New York State Public Health Law (PHL) Article 28-F, effective August 5, 2026. Medical Aid in Dying allows mentally capable adult residents of New York State with a terminal diagnosis, reasonably expected to cause death within six (6) months, to obtain medication to self-administer for the purpose of ending their life at the time of their choosing.

Hospitals and Diagnostic and Treatment Centers should develop policies and procedures in collaboration with their medical director and other on-staff physicians to address how they will participate in Medical Aid in Dying. Hospitals and Diagnostic and Treatment Centers can determine their willingness to participate in Medical Aid in Dying.

If your facility is unable or unwilling to participate and an eligible patient requests Medical Aid in Dying, your facility must accommodate the patient's wishes to be promptly transferred to another health care provider that is reasonably accessible to the patient and willing to prescribe the medication. Upon request, a copy of the patient's relevant medical record must be given to the new health care provider.

Eligibility Criteria for Medical Aid in Dying include that the individual seeking such medication must be:

- A New York State resident;
- An Adult aged 18 years of age or older;
- Diagnosed with a terminal illness or condition, which is defined as an incurable and irreversible illness or condition that has been medically confirmed and will, within reasonable medical judgment of the attending physician, produce death within six months whether or not treatment is provided; and
- Determined to have decision-making capacity to give informed consent as assessed and documented by a mental health professional, with both the attending physician and a consulting physician's concurrence with that determination.

When the use of medication for Medical Aid in Dying is requested by the mentally capable patient, this law requires:

1) a consulting physician to confirm the attending physician's determination that the patient has a qualifying terminal illness or condition;
2) a mental health evaluation by a mental health professional who is a physician or psychologist;
3) an oral and written request witnessed by two individuals who may not benefit from the person's death or is an employee or independent contractor of a health care facility where the patient is receiving treatment;

4) a mandatory waiting period of five days between the date the prescription is written and when it can be filled;
5) A patient who is able to self-administer the prescribed medication.

Physicians are reminded that the cause of death listed on a qualified individual's death certificate for a person who dies after self-administering medication under this article will be the underlying terminal illness or condition as noted here: https://www.nysenate.gov/legislation/laws/PBH/2899-P.

Importantly as a legal matter, under no circumstance should hospital staff assist with the administration of the prescribed medication to aid a resident in dying.

Patients seeking Medical Aid in Dying must be given educational material regarding hospice and palliative care and counseling under Public Health Law § 2997-c. Whenever the attending physician is not willing or does not feel qualified to provide the patient with information and counseling, the attending physician may arrange for another physician, including via transfer, who is willing and qualified.

For those patients interested in Medical Aid in Dying, the attending physician must:

- Provide the patient with feasible alternatives including but not limited to treatment, palliative care, and hospice options appropriate for the patient; the prognosis, risks and benefits of the various options; and
- Comply with the patient's legal rights to comprehensive pain and symptom management at the end of life.

The patient's attending physician must also inform their patient of the potential risks associated with taking the medication to be prescribed and the probable result of taking the medication to be prescribed. Such information should be clearly documented in the patient's medical record. The patient may rescind the request for medication at any time and in any manner.

Please review the Frequently Asked Questions document that can be found at https://health.ny.gov/health_care/medical_aid_in_dying/faqs.htm. Any questions regarding this correspondence should be referred to maidinfo@health.ny.gov. Thank you for your attention to this important information.

Sincerely,

Stephanie Shulman, DrPH, MS
Director
Center for Provider Services and Oversight Division of Hospitals and Diagnostic & Treatment Centers