



# Department of Health

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Commissioner

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Executive Deputy Commissioner

July 24, 2026

## Public Health Law Section Article 28F Medical Aid in Dying

Dear Colleague:

This letter is to inform you about the [Medical Aid in Dying law](#) New York State has passed, which becomes effective on August 5<sup>th</sup>, 2026. Medical Aid in Dying allows cognitively capable adult residents of New York State with a terminal diagnosis to obtain medication to self-administer for the purpose of ending their life at the time of their choosing.

The law defines the request process, which includes confirmation of the terminal illness by two independent physicians; a mental health evaluation by a psychiatrist or psychologist; an oral and written request witnessed by two individuals who may not benefit from the person's death; and a mandatory waiting period of 5 days between the date the prescription is written and when it can be filled. Participants must be able to self-administer the prescribed medication.

Health care providers, including health care practitioners, are not required to participate in Medical Aid in Dying under this law. Participation is voluntary. Providers will not be subject to civil, administrative or criminal liability or penalty or professional disciplinary action by any government entity for taking any reasonable, good-faith action or refusing to act under this law. If you choose not to participate and your patient requests medical aid in dying, you shall arrange to transfer the patient to a new health care provider upon the patient's request. Also, if you do not participate and the patient transfers care to a new health care provider, you must transfer or arrange for the transfer, upon the request, a copy of the patient's relevant medical records to the new health care provider.

There are very specific responsibilities under the law when your patient requests medical aid in dying and you agree to be their attending physician providing this care option. These include:

- Making determinations there is a terminal illness and decision-making capacity
- Making referrals to confirm the terminal diagnosis and decision-making capacity
- Providing counseling about hospice and palliative care options
- Ensuring an informed decision is being made by the patient by providing information about hospice, palliative care, and other treatment options (and offering referrals to those services when requested)
- Discussing the importance of:
  - Having someone present when taking the medication
  - The importance of only the patient self-administering the medication(s)
  - Not taking the medication in a public space
  - The patient informing their family about the decision to use medical aid in dying
- Fulfilling the medical record documentation requirements, including:
  - Recording the patient's oral request
  - Having the patient's written request, witness statement and the interpreter's declaration (if applicable)

- Your diagnosis, prognosis, assessment of decision-making capacity, and determination the patient is acting voluntarily and without coercion
- Including the consulting physician's written determination in the chart
- Including the mental health professional's written assessment in the chart
- A final note documenting all requirements under the law have been met before writing the prescription, and what the prescription will be

Regulations require the attending physician to fill out and save the NYS Department of Health Medical Aid in Dying report. Website: [Medical Aid in Dying reporting form](#)

Please be aware that the patient may rescind the request for medication at any time and in any manner.

The Department of Health will have updated guidance, regulations and reporting on the website at [https://health.ny.gov/health\\_care/medical\\_aid\\_in\\_dying/](https://health.ny.gov/health_care/medical_aid_in_dying/). Questions may be sent to: [maidinfo@health.ny.gov](mailto:maidinfo@health.ny.gov)

The Department thanks all physicians for their ongoing efforts in relieving suffering and helping patients during this difficult time in their patient's lives. You may also wish to consult with your state medical or osteopathic society or an attorney for further guidance on ensuring your practice is compliant with the requirements of this law and associated regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph Mannino", with a stylized flourish at the end.

Joseph Mannino, MD  
Medical Director  
Office of Professional Medical Conduct