

# STATE OF NEW YORK

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259

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

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Introduced by M. of A. GOTTFRIED, PAULIN, SOLAGES, DICKENS, SEAWRIGHT,  
THIELE, SIMON, AUBRY, GALEF, BRONSON -- read once and referred to the  
Committee on Health

AN ACT to amend the public health law, in relation to accreditation,  
approval, and operation of midwifery birth centers

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 11 of section 2803 of the public health law, as  
2 added by chapter 397 of the laws of 2016, is amended to read as follows:

3 11. (a) The commissioner shall make regulations relating to midwifery  
4 birth centers, including relating to establishment, construction, and  
5 operation, considering the standards of state and national professional  
6 associations of midwifery birth centers, in consultation with represen-  
7 tatives of midwives, midwifery birth centers, and general hospitals  
8 providing obstetric services.

9 (b) (i) As used in this subdivision, "accrediting organization" means  
10 a national accrediting organization that provides accreditation to  
11 midwifery birth centers, recognized by the commissioner in consultation  
12 with representatives of midwives, midwifery birth centers, and general  
13 hospitals providing obstetric services. The commissioner shall not  
14 unreasonably withhold recognition of an organization seeking to be  
15 recognized under this paragraph.

16 (ii) Where a proposed midwifery birth center demonstrates the intent  
17 and capability to obtain and maintain accreditation by an accrediting  
18 organization, it shall be deemed to meet the requirements of this arti-  
19 cle for a midwifery birth center for approval of a certificate of incor-  
20 poration, articles of organization and establishment, as to any matter  
21 provided for in the accrediting organization's standards.

22 (iii) Regulations and requirements of the commissioner for approval of  
23 a certificate of incorporation, articles of organization, establishment,

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 and operation of a midwifery birth center established or seeking to be  
2 established under this article, including a determination of public need  
3 and compliance with operational and physical plant standards, shall not  
4 be inconsistent with article one hundred forty of the education law and  
5 the standards of the accrediting organization from which the midwifery  
6 birth center proposes to seek, seeks or has obtained accreditation.

7 § 2. This act shall take effect immediately.