

# STATE OF NEW YORK

5489

2021-2022 Regular Sessions

## IN ASSEMBLY

February 19, 2021

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring the department of health to develop an informational pamphlet for patients undergoing pelvic examinations and to make the informational pamphlet available for use by medical practitioners performing pelvic examinations and to require medical practitioners performing pelvic exams to disseminate such pamphlets

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

Section 1. The public health law is amended by adding a new section 2504-b to read as follows:

§ 2504-b. Information concerning pelvic exams. 1. On or before July first, two thousand twenty-one, the department, in coordination with the American College of Obstetricians and Gynecologists, the Medical Society of the State of New York, and the New York State Academy of Family Physicians shall develop an informational pamphlet for patients undergoing pelvic examinations that includes, but is not limited to information concerning, the following:

(a) what a pelvic exam is and how it is properly performed;

(b) if applicable, a description of other relevant exams;

(c) privacy expectations, including that privacy should be provided for the patient both when undressing and dressing and that a gown or a drape should be provided;

(d) an explanation of what a speculum is and how it should be properly used during an examination;

(e) that gloves should be worn by the licensee during the examination; and

(f) a telephone number for the office of professional medical conduct at which a patient may report any misconduct that the patient feels may have occurred.

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

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1     2. The informational pamphlet developed pursuant to subdivision one of  
2 this section shall be made available for use by licensees performing  
3 pelvic examinations. The informational pamphlet shall be posted as a  
4 printable file on the department's internet website, made available for  
5 order as a printed deliverable on the department's internet website, or  
6 both.

7     3. The informational pamphlet shall be written in layperson's language  
8 and shall be made available in both English and Spanish.

9     4. Prior to a patient's first pelvic examination, a licensee shall  
10 provide the patient the informational pamphlet developed pursuant to  
11 this section and shall obtain a signed acknowledgment of receipt from  
12 the patient, which shall be maintained as part of the patient's medical  
13 record.

14     5. A licensee who violates this section may be cited and assessed an  
15 administrative fine by the appropriate licensing board. A citation shall  
16 not be issued and a fine shall not be assessed upon the first complaint  
17 against a licensee who violates this section. Upon the second and subse-  
18 quent complaints against a licensee who violates this section, a cita-  
19 tion may be issued and an administrative fine may be assessed by the  
20 appropriate licensing board.

21     6. Notwithstanding any other law, a licensee shall not be subject to  
22 criminal penalties for a violation of this section.

23     7. Notwithstanding any other law, all fines collected pursuant to this  
24 section for a violation of this section shall be credited to the respec-  
25 tive fund or account of the appropriate licensing board that assessed  
26 the fine, but shall not be expended until they are appropriated by the  
27 legislature.

28     8. For purposes of this section, "licensee" means a person licensed,  
29 certified, registered, or otherwise subject to regulation under the  
30 education law who, acting within the scope of his or her practice in  
31 accordance with standardized protocols where they exist and in conformi-  
32 ty with the standard of care for his or her profession, is authorized to  
33 perform pelvic examinations.

34     § 2. This act shall take effect on the one hundredth day after it  
35 shall have become a law. Effective immediately the addition, amendment  
36 and/or repeal of any rule or regulation necessary for the implementation  
37 of this act on its effective date are authorized to be made and  
38 completed on or before such date.