

STATE OF NEW YORK

1303

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to pre-term labor care and directing the commissioner of health to require hospitals to provide pre-term labor patients with information regarding the potential health effects of pre-term labor and pre-term delivery on an expectant mother and on her fetus; to amend a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and A.2770-C, in relation to the effectiveness thereof; and to repeal certain provisions of the public health law related thereto

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

1 Section 1. Section 2509-b of the public health law as added by a chap-
2 ter of the laws of 2020, amending the public health law relating to
3 enacting the Jonah Bichotte Cowan law, as proposed in legislative bills
4 numbers S.8525 and A.2770-C is REPEALED.
5 § 2. Subdivisions 1 and 1-a of section 2803-j of the public health
6 law, as amended by a chapter of the laws of 2020, amending the public
7 health law relating to enacting the Jonah Bichotte Cowan law, as
8 proposed in legislative bills numbers S.8525 and A.2770-C, are amended
9 to read as follows:
10 1. The commissioner shall require that every hospital and birth center
11 shall prepare in printed or photocopied form and distribute at the time
12 of pre-booking directly to each prospective maternity patient and, upon
13 request, to the general public an informational leaflet. [~~Such leaflet
14 shall also be distributed to any expectant mother who presents at the
15 hospital during pregnancy.~~] Such leaflet shall be designed by the
16 commissioner and shall contain brief definitions of maternity related
17 procedures and practices as specified in subdivision two of this section
18 and such other material as deemed appropriate by the commissioner.

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

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1 Hospitals and birth centers may also elect to distribute additional
2 explanatory material along with the maternity patients informational
3 leaflet. The commissioner shall make the information contained in the
4 leaflet available on the department's website.

5 1-a. The informational leaflet shall also include[+
6 ~~(a)~~] an explanation of the special provisions relating to maternity
7 care and coverage under the insurance law and section twenty-eight
8 hundred three-n of this article, and suggest that expectant parents
9 check their insurance policies for the details of their maternity cover-
10 age[~~and~~

11 ~~(b) a statement that the medical assistance program provides coverage~~
12 ~~for all income-eligible pregnant women and children residing in the~~
13 ~~state regardless of immigration status].~~

14 § 3. Subdivision 1-f of section 2803-j of the public health law as
15 added by a chapter of the laws of 2020, amending the public health law
16 relating to enacting the Jonah Bichotte Cowan law, as proposed by legis-
17 lative bills numbers S.8525 and A.2770-C is REPEALED.

18 § 4. Section 2803-n of the public health law is amended by adding a
19 new subdivision 4 to read as follows:

20 4. The hospital shall adopt, implement and periodically update stand-
21 ard protocols for management of other emergency medical conditions
22 related to pregnancy for expectant mothers being admitted to the hospi-
23 tal or presenting to the emergency department, including but not limited
24 to pre-term labor. Such protocols shall require the hospital to deter-
25 mine whether an expectant mother is experiencing an emergency medical
26 condition, and upon making a diagnosis of an emergency medical condi-
27 tion, admit the expectant mother to the hospital or treat them in the
28 emergency room for close observation and continuous monitoring until it
29 is deemed medically safe for discharge or transfer in accordance with
30 state and federal requirements including the federal Emergency Medical
31 Treatment and Labor Act (EMTALA).

32 § 5. Section 266 of the public health law as added by chapter 342 of
33 the laws of 2014, is amended by adding two new subdivisions 4 and 5 to
34 read as follows:

35 4. Information pursuant to subdivision two of this section shall
36 include information related to pre-term labor and premature birth,
37 including but not limited to definitions and information on the risks of
38 pre-term labor and premature birth to the expectant mother and fetus, as
39 well as signs and symptoms of pre-term labor. The information shall also
40 include:

41 (a) a statement that the medical assistance program provides coverage
42 for all income-eligible pregnant women residing in the state regardless
43 of immigration status; and

44 (b) a statement informing individuals of their right to request a
45 hospital discharge review in accordance with section twenty-eight
46 hundred three-i of this article if they believe they are being asked to
47 leave a hospital too soon; and

48 (c) a statement informing individuals that hospitals must determine
49 whether an expectant mother is experiencing an emergency medical condi-
50 tion, and upon making a diagnosis of an emergency medical condition,
51 admit the expectant mother to the general hospital or treat them in the
52 emergency room for close observation and continuous monitoring until it
53 is deemed medically safe for discharge or transfer in accordance with
54 state and federal requirements including the federal Emergency Medical
55 Treatment and Labor Act (EMTALA).

1 5. The department shall develop educational materials to be provided
2 to emergency room medical staff regarding the state and federal
3 discharge and transfer requirements.

4 § 6. Section 2803-w of the public health law, as added by chapter 76
5 of the laws of 2020, is amended to read as follows:

6 § 2803-w. Disclosure of information concerning pregnancy compli-
7 cations. Every hospital offering maternity or women's wellness services
8 shall provide the information developed pursuant to subdivisions two and
9 four of section two hundred sixty-six of this chapter, as added by chap-
10 ter 342 of the laws of 2014, to pregnant patients as clinically appro-
11 priate, but prior to discharge. In addition, such information shall be
12 provided at the time of pre-booking to each prospective maternity
13 patient and, upon request, to the general public. Such information shall
14 also be provided by every diagnostic and treatment center offering
15 prenatal care services upon the initial prenatal care visit.

16 § 7. Section 4 of a chapter of the laws of 2020, amending the public
17 health law relating to enacting the Jonah Bichotte Cowan law, as
18 proposed in legislative bills numbers S.8525 and A.2770-C, is amended to
19 read as follows:

20 § 4. This act shall take effect [~~on the sixtieth day~~] one year after
21 it shall have become a law. Effective immediately the addition, amend-
22 ment and/or repeal of any rule or regulation necessary for the implemen-
23 tation of this act on its effective date are authorized to be made and
24 completed on or before such date.

25 § 8. This act shall take effect immediately; provided, however, that
26 sections one, two, three, five and six, shall take effect on the same
27 date and in the same manner as a chapter of the laws of 2020, amending
28 the public health law relating to enacting the Jonah Bichotte Cowan law,
29 as proposed in legislative bills numbers S.8525 and A.2770-C, takes
30 effect; provided, further, that section four of this act shall take
31 effect on the one hundred eightieth day after a chapter of the laws of
32 2020, amending the public health law relating to enacting the Jonah
33 Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and
34 A.2770-C, takes effect.