

# STATE OF NEW YORK

3981

2023-2024 Regular Sessions

## IN ASSEMBLY

February 8, 2023

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

AN ACT to amend the public health law, in relation to hospital care for mastectomy, lumpectomy, and lymph node dissection patients

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

1 Section 1. Subdivision 2 of section 2803-o of the public health law,  
2 as amended by chapter 571 of the laws of 2022, is amended to read as  
3 follows:

4 2. Every general hospital that provides mastectomy surgery, lymph node  
5 dissection or a lumpectomy shall provide information to the patient  
6 concerning the option of reconstructive surgery following such proce-  
7 dures, including both breast and chest wall reconstructive surgery and  
8 the availability of coverage for reconstructive surgery, in accordance  
9 with the provisions of sections three thousand two hundred sixteen,  
10 three thousand two hundred twenty-one and four thousand three hundred  
11 three of the insurance law and applicable provisions of federal law. The  
12 information shall be provided to the patient in writing and in advance  
13 of obtaining consent to the surgical procedure. The information provided  
14 shall include at least the following:

15 (a) a description of the various reconstructive options and the advan-  
16 tages and disadvantages of each. Such description shall include going  
17 breastless or flat and having an aesthetic flat closure as such term is  
18 defined by the National Cancer Institute;

19 (b) a description of the provisions assuring coverage by public and  
20 private insurance plans of the costs related to reconstructive surgery  
21 under federal and state law;

22 (c) a description of how a patient may access reconstructive care,  
23 including the potential of transferring care to a facility that provides  
24 reconstructive care or choosing to pursue reconstruction after

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

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1 completion of breast cancer surgery and chemo/radiotherapy, if  
2 warranted;  
3 (d) such other information as may be required by the commissioner.  
4 § 2. This act shall take effect on the first of January next succeed-  
5 ing the date on which it shall have become a law.