

STATE OF NEW YORK

4927

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

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

AN ACT to amend the public health law, in relation to the duty to inform maternity patients about the risks associated with cesarean section for patients undergoing a primary cesarean section and to inform maternity patients about the reason for performing primary cesarean section delivery

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

1 Section 1. The public health law is amended by adding a new section
2 2500-1 to read as follows:

3 § 2500-1. Duty of providers of primary cesarean section maternity
4 services to inform. 1. The commissioner shall require that every mater-
5 nal health care provider, defined as any physician, midwife, nurse prac-
6 titioner, or physician assistant, or other maternal health care practi-
7 tioner acting within his or her lawful scope of practice attending a
8 pregnant woman, to provide written communication to each pregnant woman
9 for whom a primary cesarean section delivery, defined as first lifetime
10 delivery via cesarean section, is recommended as a planned cesarean
11 section delivery based on medical necessity, that the primary cesarean
12 section is recommended and to provide the justification for the primary
13 cesarean section prior to the delivery.

14 2. In the event that a primary cesarean section is not deemed
15 medically necessary by the provider but the patient requests a planned
16 cesarean section delivery, the commissioner shall require that the
17 maternal health care provider provide written communication to the preg-
18 nant woman requesting the primary cesarean section indicating that the
19 primary cesarean section is not medically necessary and to explain the
20 risks associated with the cesarean section prior to the delivery.

21 3. In the event that the primary cesarean section is not planned
22 prenatally, the commissioner shall require that the maternal health care

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

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1 provider who performed the cesarean section provide communication in
2 writing to each woman who delivered via primary cesarean section the
3 reason for the unplanned cesarean section after the delivery.

4 4. The provider shall provide communication to the patient with a
5 planned cesarean section that shall include, but not be limited to, the
6 following information, in the summary of the report sent to the patient:

7 "Cesarean birth can be life-saving for the fetus, the mother, or both
8 in some cases. However, potential maternal injuries associated with
9 cesarean delivery include but are not limited to: heavy blood loss that
10 results in hysterectomy or a blood transfusion, ruptured uterus, injury
11 to other organs including the bladder, and other complications from a
12 major surgery. Cesarean delivery also carries higher risk of infant
13 injury and can result in situations requiring the neonatal intensive
14 care unit (NICU). After a cesarean delivery, future vaginal deliveries
15 may be risky. Because of this, cesarean delivery may be recommended in
16 the future. However, vaginal birth after cesarean (VBAC) may be possi-
17 ble, depending upon your health characteristics. In future pregnancies,
18 there is risk of the cesarean section scar breaking during pregnancy or
19 labor (uterine rupture). Additionally, women's risk of developing
20 placenta previa or accrete in future pregnancies is higher after cesare-
21 an deliveries than vaginal births. Speak to your health care provider
22 about your options and any questions you may have."

23 5. The provider shall provide communication to the patient with an
24 unplanned cesarean section that shall include, but not be limited to,
25 the following information, in the summary of the report sent to the
26 patient:

27 "Your most recent delivery was via cesarean section. Cesarean delivery
28 can be life-saving for the fetus, the mother, or both in some cases.
29 After a cesarean delivery, future vaginal deliveries may be risky.
30 Because of this, cesarean delivery may be recommended in the future.
31 However, vaginal birth after cesarean (VBAC) may be possible, depending
32 upon your health characteristics. In future pregnancies, there is risk
33 of the cesarean section scar breaking during pregnancy or labor (uterine
34 rupture). Additionally, women's risk of developing placenta previa or
35 accrete in future pregnancies is higher after cesarean deliveries than
36 vaginal births. Speak to your health care provider about your options
37 and any questions you may have."

38 § 2. This act shall take effect on the one hundred eightieth day after
39 it shall have become a law. Effective immediately, the department of
40 health may promulgate any rule or regulation necessary for the timely
41 implementation of this act on its effective date.