

STATE OF NEW YORK

2463

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sens. PERSAUD, COMRIE -- read twice and ordered printed,
and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to directing the
department of health to create an informational pamphlet regarding the
laparoscopic power morcellation surgery technique

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

1 Section 1. The public health law is amended by adding a new section
2 2504-c to read as follows:

3 § 2504-c. Information concerning laparoscopic power morcellation
4 surgery technique. 1. On or before July first, two thousand twenty-four,
5 the department shall develop an informative pamphlet for patients
6 considering going through the laparoscopic power morcellation surgery
7 technique. In developing the pamphlet, the department shall consult with
8 state professional societies representing physicians in general, obstet-
9 ricians and gynecologists, family practice physicians, nurse practition-
10 ers, physician assistants and midwives. The pamphlet shall include, but
11 not be limited to, information concerning:

12 (a) What the laparoscopic power morcellation surgery is defined as,
13 what the risks and benefits are, and how it is performed;

14 (b) If applicable, a description of other relevant procedures and
15 techniques that may be applicable to the patient such as the hystero-
16 scopic morcellation technique;

17 (c) The requirement of screening the patient for cancers including,
18 but not limited to: uterine myoma, endometrial stromal sarcoma (ESS) and
19 leiomyosarcoma, prior to undergoing laparoscopic surgery;

20 (d) Privacy expectations, including that privacy should be provided
21 for the patient both when undressing and dressing and that a gown or a
22 drape should be provided;

23 (e) If laparoscopic hysterectomy, which is a surgical procedure used
24 to remove the uterus, or myomectomy hysterectomy, which is a surgical

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

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1 procedure used to remove the fibroids, is recommended, then the provider
2 shall inform the patient if power morcellation will be used and why it
3 is the best option for this exact case;

4 (f) An explanation of what the laparoscopic power morcellation is and
5 what it is used for;

6 (g) Explicitly mentioning and explaining the possibility that this
7 procedure may spread cancer cells that have not been detected, include
8 all the options to treat the condition, including the risks and benefits
9 of each option;

10 (h) That gloves should be worn by the practitioner during the proce-
11 dure; and

12 (i) A telephone number for the office of professional medical conduct
13 in the department and the office of the professions in the state educa-
14 tion department, at which a patient may report any misconduct that the
15 patient feels may have occurred.

16 2. The informational pamphlet shall be made available for use by prac-
17 titioners. The informational pamphlet shall be posted as a printable
18 file on the department's internet website and may also be made available
19 for order as a printed deliverable on the department's internet website.

20 3. The informational pamphlet shall be written in layperson's language
21 and shall be made available in English and the six most common non-Engl-
22 ish languages spoken by individuals with limited English proficiency in
23 New York state as based on the most recent census.

24 4. A practitioner shall provide the patient the informational pamphlet
25 developed pursuant to this section prior to performing laparoscopic
26 power morcellation surgery.

27 5. For purposes of this section, "practitioner" means a health care
28 professional licensed, certified, or otherwise authorized to practice
29 under the education law, acting within the scope of practice.

30 § 2. This act shall take effect immediately.