

STATE OF NEW YORK

1305--A

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sens. SALAZAR, CLEARE, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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~~] options for breast
7 reconstruction following such procedures, including both breast and
8 chest wall reconstructive surgery and the availability of coverage for
9 reconstructive surgery, in accordance with the provisions of sections
10 three thousand two hundred sixteen, three thousand two hundred twenty-
11 one and four thousand three hundred three of the insurance law and
12 applicable provisions of federal law. The information shall be provided
13 to the patient in writing and in advance of obtaining consent to the
14 surgical procedure. The information provided shall include at least the
15 following:
- 16 (a) a description of the various surgical reconstructive options and
17 the advantages and disadvantages of each [~~such description shall~~
18 ~~include~~] ;
- 19 (b) a description of the various non-surgical reconstructive options
20 including having an aesthetic flat closure as such term is defined by
21 the National Cancer Institute, or using a breast form;

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

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1 [~~(b)~~] (c) a description of the provisions assuring coverage by public
2 and private insurance plans of the costs related to reconstructive
3 surgery under federal and state law;
4 [~~(e)~~] (d) a description of how a patient may access reconstructive
5 care, including the potential of transferring care to a facility that
6 provides reconstructive care or choosing to pursue reconstruction after
7 completion of breast cancer surgery and chemo/radiotherapy, if
8 warranted; and
9 [~~(a)~~] (e) such other information as may be required by the commission-
10 er.
11 § 2. This act shall take effect on the first of January next succeed-
12 ing the date on which it shall have become a law.