S T A T E O F N E W Y O R K

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I N S E N A T E

February 2, 2010

Introduced by Sens. HANNON, DeFRANCISCO, MORAHAN, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring the department of health to collect data on premature and underweight neonates and establishing a perinatal advisory council

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2507 to read as follows:

S 2507. REPORTING REQUIREMENTS FOR PREMATURE AND UNDERWEIGHT NEONATES. 1. THE DEPARTMENT SHALL COLLECT AND MAINTAIN DATA PERTAINING TO PREMATURE BIRTHS AND UNDERWEIGHT NEONATES. THE PERINATAL ADVISORY COUNCIL, ESTABLISHED BY SUBDIVISION TWO OF THIS SECTION, IN CONSULTATION WITH THE COMMISSIONER, SHALL DETERMINE WHAT DATA SHALL BE COLLECTED, BUT AT A MINIMUM SUCH DATA SHALL INCLUDE: THE CIRCUMSTANCES, AND TYPES OF BIRTH, MATERNAL AND NEONATE HEALTH FACTORS AND CONDITIONS. WITHIN ONE HUNDRED EIGHTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL PROMULGATE ANY RULES AND REGULATIONS NECESSARY TO IMPLEMENT THE REPORTING AND RECEIPT OF DATA REQUIREMENTS DESCRIBED IN THIS SUBDIVISION.

2. THE PERINATAL ADVISORY COUNCIL IS HEREBY ESTABLISHED AND SHALL BE THE OVERSIGHT BODY FOR NEONATAL CARE IN THE STATE. SUCH COUNCIL SHALL BE COMPOSED OF NINE MEMBERS WHO SHALL BE APPOINTED IN THE FOLLOWING MANNER: TWO SHALL BE APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE SENATE; TWO SHALL BE APPOINTED BY THE SPEAKER OF THE ASSEMBLY AND ONE BY THE MINORITY LEADER OF THE ASSEMBLY; AND TWO SHALL BE APPOINTED BY THE GOVERNOR. THE COMMISSIONER, OR HIS OR HER DESIGNEE FROM AMONGST DEPARTMENT EMPLOYEES, SHALL SERVE AS THE NINTH MEMBER OF THE COUNCIL AND SHALL ALSO BE THE CHAIRPERSON OF THE COUNCIL. THE COUNCIL MEMBERS SHALL BE GEOGRAPHICALLY REPRESENTATIVE OF THE STATE. ELIGIBLE CANDIDATES FOR THE COUNCIL SHALL BE ONE, BUT SHALL INCLUDE NO MORE THAN TWO OF EACH, OF THE FOLLOWING: A PHYSICIAN, SPECIALIST ASSISTANT, PHYSICIAN ASSISTANT, NURSE, NURSE PRACTITIONER OR MIDWIFE, WHO BOTH SPECIALIZES IN NEONATOLOGY AND IS LICENSED TO PRACTICE IN NEW YORK, A

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

LBD15424-01-0

NEONATAL RESEARCH SPECIALIST, AN EPIDEMIOLOGIST, AND A UNIVERSITY FACULTY MEMBER WITH EXPERTISE IN BIOSTATISTICS, PUBLIC HEALTH, RESEARCH OR DATA COLLECTION. AT LEAST ONE OF THE APPOINTMENTS MADE BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE GOVERNOR SHALL BE A MEMBER OF A NATIONALLY RECOGNIZED ORGANIZATION SPECIALIZING IN RESEARCH AND ADVOCACY REGARDING PREMATURITY, BIRTH DEFECTS AND LOW BIRTHWEIGHT ISSUES.

3. (A) THE PERINATAL ADVISORY COUNCIL SHALL HAVE ACCESS TO ALL DATA COLLECTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, AS WELL AS TO DATA COLLECTED AND MAINTAINED BY THE DEPARTMENT PURSUANT TO SECTIONS TWENTY-FIVE HUNDRED-H OF THIS TITLE AND TWENTY-EIGHT HUNDRED SIXTEEN OF THIS CHAPTER.

(B) THE PERINATAL ADVISORY COUNCIL SHALL MEET QUARTERLY OR MORE FREQUENTLY, IF ITS BUSINESS SHALL REQUIRE, TO ANALYZE THE DATA DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION AND FILE A WRITTEN REPORT THEREON ON OR BEFORE THE FIRST DAY OF FEBRUARY OF EACH YEAR WITH THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE GOVERNOR, THE PUBLIC HEALTH COUNCIL, AND THE STATE HOSPITAL REVIEW AND PLANNING COUNCIL. SUCH ANALYSIS AND SUBSEQUENT REPORT SHALL INCLUDE REGIONAL ANALYSIS, RECOMMENDATIONS FOR ACTIONS TO MINIMIZE THE NUMBER OF PREMATURE BIRTHS AND UNDERWEIGHT NEONATES, RECOMMENDATIONS FOR QUALITY ASSURANCE MEASURES, THE NEED FOR THE DEVELOPMENT AND FOR ESTABLISHMENT OF REGIONAL NEONATAL CARE CENTERS AND ANY OTHER INFORMATION THE COUNCIL DEEMS APPROPRIATE TO CONSIDER AND INCLUDE. A COPY OF SUCH REPORT SHALL BE PUBLISHED ON THE DEPARTMENT'S INTERNET WEBSITE.

(C) THE MEMBERS OF THE PERINATAL ADVISORY COUNCIL SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

S 2. Subdivision 1 of section 2500-h of the public health law, as added by chapter 314 of the laws of 2007, is amended to read as follows:

1. In order to support quality care at all hospitals with obstetric services, the department is authorized to provide de-identified information for all births at each affiliate hospital in each regional perinatal center's network to the regional perinatal center [and], the affiliate AND THE PERINATAL ADVISORY COUNCIL, except that such information shall include zip code and a unique identifier such as medical record number.

S 3. This act shall take effect immediately.