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

759

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PAULIN, BING, CLARK, DelMONTE, GUNTHER, KAVANAGH, MAISEL, ROSENTHAL, JAFFEE, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BOYLAND, DESTITO, GALEF, JACOBS, JOHN, KOON, LIFTON, LUPARDO, PHEFFER, TITONE, TOWNS, WEISENBERG -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to premium reduction for obstetric practitioners who complete a risk management strategies obstetrics course

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 2506-a to read as follows:

S 2506-A. RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE. 1. IN ORDER TO IMPROVE PATIENT SAFETY, BIRTH OUTCOMES AND TO PROMOTE INFORMED CONSULTATION BY PATIENTS WITH THEIR PHYSICIANS AND LICENSED MIDWIVES DURING PREGNANCY, THE COMMISSIONER SHALL APPROVE A PROFESSIONAL EDUCATION COURSE FOR ELIGIBLE PHYSICIANS AND LICENSED MIDWIVES AS PROVIDED IN SUBDIVISION FIVE OF THIS SECTION THAT COVERS RISK MANAGEMENT STRATEGIES IN OBSTETRICS AS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION. SUCH RISK MANAGEMENT STRATEGIES COURSE SHALL BE SUBJECT TO SUCH STANDARDS AS THE COMMISSIONER MAY PRESCRIBE BY REGULATION. IN PRESCRIBING SUCH REGULATIONS, THE COMMISSIONER MAY CONSULT WITH THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS AND OTHER HEALTH CARE ORGANIZATIONS. AN ELIGIBLE PHYSICIAN OR LICENSED MIDWIFE WHO SUCCESSFULLY COMPLETES SUCH RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE PURSUANT TO THIS SECTION SHALL RECEIVE CONTINUING MEDICAL EDUCATION CREDIT AND A CERTIFICATE OF COMPLETION.

2. A RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE SHALL INCLUDE, BUT NOT BE LIMITED TO, INFORMATION ON THE POTENTIAL BENEFITS AND RISKS ASSOCIATED WITH ELECTIVE OR NON-ELECTIVE INDUCTION, NEONATAL IMPACT OF

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

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LATE PRETERM BIRTHS, TRIAL OF LABOR AND VAGINAL BIRTHS AFTER CESAREAN BIRTHS, PRIMARY, ELECTIVE OR REPEAT CESAREAN BIRTHS, AND STRATEGIES TO FULLY INFORM PATIENTS OF THE BENEFITS AND RISKS ASSOCIATED WITH THEIR DECISIONS.

3. THE MAXIMUM FEE TO BE CHARGED FOR A RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE SHALL BE SET FORTH IN REGULATIONS PROMULGATED BY THE COMMISSIONER.

4. ATTENDANCE AT ANY COURSE APPROVED BY THE COMMISSIONER PURSUANT TO THIS SECTION MAY BE IN PERSON OR THROUGH DISTANCE LEARNING METHODS WHICH EVINCE THAT ALL PARTICIPANTS ARE IN ATTENDANCE FOR THE DURATION OF THE COURSE AND ABLE TO ASK QUESTIONS OF THE INSTRUCTOR.

5. PHYSICIANS WHO ARE BOARD CERTIFIED OR ARE ACTIVE CANDIDATES FOR BOARD CERTIFICATION IN OBSTETRICS AND PHYSICIANS WHO ARE BOARD CERTIFIED OR ARE ELIGIBLE FOR BOARD CERTIFICATION IN FAMILY PRACTICE AND PROVIDE OBSTETRIC SERVICES AND MIDWIVES WHO ARE LICENSED IN THE STATE ARE ELIGIBLE FOR A RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE.

S 2. Section 2343 of the insurance law is amended by adding a new subsection (f) to read as follows:

(F) THE SUPERINTENDENT SHALL APPROVE AN APPROPRIATE PREMIUM REDUCTION FOR AN INSURED ELIGIBLE PHYSICIAN OR LICENSED MIDWIFE WHO RECEIVES A CERTIFICATE OF COMPLETION OF A RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE AS PROVIDED IN SECTION TWENTY-FIVE HUNDRED SIX-A OF THE PUBLIC HEALTH LAW. THE SUPERINTENDENT SHALL PROMULGATE SUCH RULES AND REGULATIONS, WHICH MAY BE AMENDED FROM TIME TO TIME, NECESSARY TO IMPLEMENT THE ESTABLISHMENT OF AN APPROPRIATE PREMIUM REDUCTION, INCLUDING THE PERIOD DURING WHICH THE PREMIUM REDUCTION SHALL BE EFFECTIVE. IN PRESCRIBING SUCH RULES AND REGULATIONS, THE SUPERINTENDENT MAY CONSULT WITH THE COMMISSIONER OF HEALTH.

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall apply to all insurance policies and contracts issued, renewed, modified or altered on and after such effective date. The commissioner of health and the superintendent of insurance are authorized and directed to adopt, amend, suspend or repeal regulations and take other actions necessary for the implementation of this act prior to such effective date; provided, however, that such adoption, amendment, suspension or repeal of regulations shall not have legal effect until this act takes effect.