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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:

1 Section 1. The public health law is amended by adding a new section
2 2506-a to read as follows:
3 S 2506-A. RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE. 1. IN ORDER
4 TO IMPROVE PATIENT SAFETY, BIRTH OUTCOMES AND TO PROMOTE INFORMED
5 CONSULTATION BY PATIENTS WITH THEIR PHYSICIANS AND LICENSED MIDWIVES
6 DURING PREGNANCY, THE COMMISSIONER SHALL APPROVE A PROFESSIONAL EDUCA-
7 TION COURSE FOR ELIGIBLE PHYSICIANS AND LICENSED MIDWIVES AS PROVIDED IN
8 SUBDIVISION FIVE OF THIS SECTION THAT COVERS RISK MANAGEMENT STRATEGIES
9 IN OBSTETRICS AS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION. SUCH RISK
10 MANAGEMENT STRATEGIES COURSE SHALL BE SUBJECT TO SUCH STANDARDS AS THE
11 COMMISSIONER MAY PRESCRIBE BY REGULATION. IN PRESCRIBING SUCH REGU-
12 LATIONS, THE COMMISSIONER MAY CONSULT WITH THE AMERICAN COLLEGE OF
13 OBSTETRICIANS AND GYNECOLOGISTS AND OTHER HEALTH CARE ORGANIZATIONS. AN
14 ELIGIBLE PHYSICIAN OR LICENSED MIDWIFE WHO SUCCESSFULLY COMPLETES SUCH
15 RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE PURSUANT TO THIS SECTION
16 SHALL RECEIVE CONTINUING MEDICAL EDUCATION CREDIT AND A CERTIFICATE OF
17 COMPLETION.
18 2. A RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE SHALL INCLUDE,
19 BUT NOT BE LIMITED TO, INFORMATION ON THE POTENTIAL BENEFITS AND RISKS
20 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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1 LATE PRETERM BIRTHS, TRIAL OF LABOR AND VAGINAL BIRTHS AFTER CESAREAN
2 BIRTHS, PRIMARY, ELECTIVE OR REPEAT CESAREAN BIRTHS, AND STRATEGIES TO
3 FULLY INFORM PATIENTS OF THE BENEFITS AND RISKS ASSOCIATED WITH THEIR
4 DECISIONS.

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

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

12 5. PHYSICIANS WHO ARE BOARD CERTIFIED OR ARE ACTIVE CANDIDATES FOR
13 BOARD CERTIFICATION IN OBSTETRICS AND PHYSICIANS WHO ARE BOARD CERTIFIED
14 OR ARE ELIGIBLE FOR BOARD CERTIFICATION IN FAMILY PRACTICE AND PROVIDE
15 OBSTETRIC SERVICES AND MIDWIVES WHO ARE LICENSED IN THE STATE ARE ELIGI-
16 BLE FOR A RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE.

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

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

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