

344--A

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. PAULIN, BING, CLARK, GUNTHER, KAVANAGH, MAISEL, ROSENTHAL, JAFFEE, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. BOYLAND, GALEF, JACOBS, LIFTON, LUPARDO, McDONOUGH, TITONE, WEISENBERG -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

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1 2. A RISK MANAGEMENT STRATEGIES IN OBSTETRICS COURSE SHALL INCLUDE,  
2 BUT NOT BE LIMITED TO, INFORMATION ON THE POTENTIAL BENEFITS AND RISKS  
3 ASSOCIATED WITH ELECTIVE OR NON-ELECTIVE INDUCTION, NEONATAL IMPACT OF  
4 LATE PRETERM BIRTHS, TRIAL OF LABOR AND VAGINAL BIRTHS AFTER CESAREAN  
5 BIRTHS, PRIMARY, ELECTIVE OR REPEAT CESAREAN BIRTHS, AND STRATEGIES TO  
6 FULLY INFORM PATIENTS OF THE BENEFITS AND RISKS ASSOCIATED WITH THEIR  
7 DECISIONS.

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

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

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

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

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

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