

5153--A

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- 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.
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
21 LATE PRETERM BIRTHS, TRIAL OF LABOR AND VAGINAL BIRTHS AFTER CESAREAN
22 BIRTHS, PRIMARY, ELECTIVE OR REPEAT CESAREAN BIRTHS, AND STRATEGIES TO

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

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1 FULLY INFORM PATIENTS OF THE BENEFITS AND RISKS ASSOCIATED WITH THEIR
2 DECISIONS.

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

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

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

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

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

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