

414

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. PAULIN, CLARK, GUNTHER, KAVANAGH, MAISEL, ROSEN-  
THAL, JAFFEE, ENGLEBRIGHT, GOTTFRIED -- Multi-Sponsored by -- M. of A.  
BOYLAND, GALEF, JACOBS, LIFTON, LUPARDO, McDONOUGH, MILLMAN, TITONE,  
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 course

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 AND MIDWIFERY  
4     COURSES. 1. IN ORDER TO IMPROVE PATIENT SAFETY, BIRTH OUTCOMES AND TO  
5     PROMOTE INFORMED CONSULTATION BY PATIENTS WITH THEIR PHYSICIANS AND  
6     LICENSED MIDWIVES DURING THE PRENATAL THROUGH INTRAPARTUM AND POSTPARTUM  
7     PERIODS, THE COMMISSIONER SHALL APPROVE PROFESSIONAL EDUCATION COURSES  
8     FOR ELIGIBLE PHYSICIANS AND LICENSED MIDWIVES AS PROVIDED IN SUBDIVISION  
9     FOUR OF THIS SECTION THAT COVERS RISK MANAGEMENT STRATEGIES IN OBSTET-  
10    RICS AND MIDWIFERY AS DESCRIBED IN SUBDIVISION TWO OF THIS SECTION. SUCH  
11    RISK MANAGEMENT STRATEGIES COURSES SHALL BE SUBJECT TO SUCH STANDARDS AS  
12    THE COMMISSIONER MAY PRESCRIBE BY REGULATION. IN PRESCRIBING SUCH REGU-  
13    LATIONS, THE COMMISSIONER MAY CONSULT WITH THE AMERICAN CONGRESS OF  
14    OBSTETRICIANS AND GYNECOLOGISTS, NEW YORK STATE ASSOCIATION OF LICENSED  
15    MIDWIVES AND OTHER HEALTH CARE ORGANIZATIONS. AN ELIGIBLE PHYSICIAN OR  
16    LICENSED MIDWIFE WHO SUCCESSFULLY COMPLETES SUCH RISK MANAGEMENT STRATE-  
17    GIES COURSE PURSUANT TO THIS SECTION SHALL RECEIVE CONTINUING MEDICAL  
18    EDUCATION CREDIT AND A CERTIFICATE OF COMPLETION.  
19    2. COURSES ON RISK MANAGEMENT STRATEGIES DURING THE PRENATAL THROUGH  
20    INTRAPARTUM AND POSTPARTUM PERIODS SHALL PROMOTE EVIDENCE-BASED CLINICAL  
21    GUIDELINES AND PATIENT SAFETY PROTOCOLS FROM BOTH THE MIDWIFERY AND

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

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1 OBSTETRICAL PERSPECTIVES. OPTIONS FOR COURSES SHOULD BE APPROPRIATE FOR  
2 THE RESPECTIVE PROFESSION AND MAY INCLUDE INFORMATION AND EDUCATION  
3 ADDRESSING RISKS ASSOCIATED WITH THE PRACTICE OF OBSTETRICS AND MIDWIF-  
4 ERY. COURSE OPTIONS MAY INCLUDE ISSUES SUCH AS: METHODS TO ELIMINATE  
5 NON-MEDICALLY INDICATED (ELECTIVE) DELIVERIES PRIOR TO THIRTY-NINE WEEKS  
6 GESTATION INCLUDING THE NEONATAL IMPACT OF LATE PRETERM BIRTHS; VAGINAL  
7 BIRTHS AFTER CESAREAN BIRTHS AND THE APPLICABILITY TO A TRIAL OF LABOR;  
8 REDUCTIONS IN CESAREAN BIRTHS; MONITORING OF FETAL WELL-BEING; MANAGE-  
9 MENT OF PAIN IN LABOR; MANAGEMENT OF MATERNAL HEMORRHAGE, HYPERTENSIVE  
10 CRISIS, VAGINAL BREECH AND PREVENTION OF SHOULDER DYSTOCIA; AND OTHER  
11 EVIDENCE-BASED GUIDELINE DETERMINED ISSUES THAT IMPROVE THE CARE AND  
12 OUTCOMES OF WOMEN.

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

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

22 5. THE COMMISSIONER IS AUTHORIZED TO PRESCRIBE ANY RULES AND REGU-  
23 LATIONS NECESSARY TO IMPLEMENT THIS SECTION. IN PRESCRIBING SUCH RULES  
24 AND REGULATIONS, THE COMMISSIONER SHALL CONSIDER THE RULES AND REGU-  
25 LATIONS PROMULGATED BY THE SUPERINTENDENT OF FINANCIAL SERVICES PURSUANT  
26 TO SUBSECTION (E) OF SECTION TWO THOUSAND THREE HUNDRED FORTY-THREE OF  
27 THE INSURANCE LAW AND MAY CONSULT WITH THE SUPERINTENDENT OF FINANCIAL  
28 SERVICES.

29 S 2. Subsection (e) of section 2343 of the insurance law, as added by  
30 chapter 642 of the laws of 1990, is amended to read as follows:

31 (e) The superintendent may approve an ACTUARIALLY appropriate premium  
32 reduction for an insured physician who successfully completes a risk  
33 management course[, which must be approved by the superintendent subject  
34 to such standards as the superintendent may prescribe by regulation. In  
35 prescribing such regulation the superintendent may consult with the  
36 commissioner of health] OR A COURSE AUTHORIZED BY THE COMMISSIONER OF  
37 HEALTH UNDER SECTION TWO THOUSAND FIVE HUNDRED SIX-A OF THE PUBLIC  
38 HEALTH LAW.

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