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

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I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. GOTTFRIED, JAFFEE, ORTIZ, PAULIN, GALEF, CLARK, ROBINSON, RYAN, BROOK-KRASNY, PEOPLES-STOKES, STECK, HOOPER, LIFTON -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, CAMARA, COOK, LENTOL, RIVERA, SKARTADOS, THIELE, WRIGHT -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to midwifery birth centers

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 2801 of the public health law, as separately amended by chapters 297 and 416 of the laws of 1983, is amended to read as follows:

1. "Hospital" means a facility or institution engaged principally in providing services by or under the supervision of a physician or, in the case of a dental clinic or dental dispensary, of a dentist, OR, IN THE CASE OF A MIDWIFERY BIRTH CENTER, OF A MIDWIFE, for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, including, but not limited to, a general hospital, public health center, diagnostic center, treatment center, dental clinic, dental dispensary, rehabilitation center other than a facility used solely for vocational rehabilitation, nursing home, tuberculosis hospital, chronic disease hospital, maternity hospital, MIDWIFERY BIRTH CENTER, lying-in-asylum, out-patient department, out-patient lodge, dispensary and a laboratory or central service facility serving one or more such institutions, but the term hospital shall not include an institution, sanitarium or other facility engaged principally in providing services for the prevention, diagnosis or treatment of mental disability and which is subject to the powers of visitation, examination, inspection and investigation of the department of mental hygiene except for those distinct parts of such a facility which provide hospital

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

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service. The provisions of this article shall not apply to a facility or institution engaged principally in providing services by or under the supervision of the bona fide members and adherents of a recognized religious organization whose teachings include reliance on spiritual means through prayer alone for healing in the practice of the religion of such organization and where services are provided in accordance with those teachings.

S 2. Section 2801 of the public health law is amended by adding a new subdivision 11 to read as follows:

11. "MIDWIFERY BIRTH CENTER" MEANS A HOSPITAL ENGAGED PRINCIPALLY IN PROVIDING PRENATAL AND OBSTETRIC CARE, WHERE SUCH SERVICES ARE PROVIDED PRINCIPALLY BY MIDWIVES.

S 3. Section 2803 of the public health law is amended by adding a new subdivision 11 to read as follows:

11. THE COMMISSIONER SHALL MAKE REGULATIONS RELATING TO MIDWIFERY BIRTH CENTERS, INCLUDING RELATING TO ESTABLISHMENT, CONSTRUCTION, AND OPERATION, CONSIDERING THE STANDARDS OF STATE AND NATIONAL PROFESSIONAL ASSOCIATIONS OF MIDWIFERY BIRTH CENTERS, IN CONSULTATION WITH REPRESENTATIVES OF MIDWIVES, MIDWIFERY BIRTH CENTERS, AND GENERAL HOSPITALS PROVIDING OBSTETRIC SERVICES.

S 4. This act shall take effect immediately.