

STATE OF NEW YORK

11206--B

IN ASSEMBLY

June 14, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Bichotte, Solages, Jean-Pierre, Barron, Walker, Thiele) -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to enacting the Jonah Bichotte Cowan law relating to pre-term labor care and directing the commissioner of health to require hospitals to provide pre-term labor patients with information regarding the potential health effects of pre-term labor and pre-term delivery on an expectant mother and on her unborn child; and to amend the insurance law, in relation to requiring insurance policies to provide coverage for pre-term labor hospitalizations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Jonah Bichotte Cowan law".

3 § 2. The public health law is amended by adding a new section 2509 to
4 read as follows:

5 § 2509. Pre-term labor care. 1. When an expectant mother in pre-term
6 labor presents herself at a hospital, the hospital shall:

7 (a) determine that the expectant mother is in pre-term labor by estab-
8 lishing that she is experiencing regular uterine contractions causing
9 palpable changes in the cervix prior to twenty-four weeks of gestation;

10 (b) upon making the diagnosis of pre-term labor, admit the expectant
11 mother to the hospital or treat her in the emergency room for close
12 observation and continuous monitoring until it is deemed medically safe
13 to release her from the health care facility; and

14 (c) provide the expectant mother with information concerning pre-term
15 labor and the potential health effects of pre-term labor and pre-term
16 delivery on the mother and on her unborn child.

17 2. If the expectant mother opts not to remain at the hospital, hospi-
18 tal personnel shall inform the expectant mother of the option of having

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

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1 a visiting nurse periodically monitor the expectant mother at her home
2 and, if requested to do so by the expectant mother, shall arrange for
3 such monitoring and shall arrange for the expectant mother and her fami-
4 ly to have access to a therapist to assist with their emotional needs
5 during the period of pre-term labor.

6 3. As used in this section:

7 (a) "Hospital" means a hospital as defined in section twenty-eight
8 hundred one of this chapter; and

9 (b) (i) "Pre-term labor" means the commencement of regular
10 contractions of the uterus causing palpable changes in the cervix that
11 start between twenty weeks and thirty-seven weeks of pregnancy. Such
12 changes in the cervix include, but are not limited to, effacement and
13 dilation.

14 (ii) "Pre-term labor" does not include labor resulting in a miscar-
15 riage which occurs prior to twenty weeks of pregnancy.

16 § 3. The public health law is amended by adding a new section 2803-v
17 to read as follows:

18 § 2803-v. Information for pre-term labor patients. 1. The commissioner
19 shall require every hospital to:

20 (a) prepare in printed or photocopied form an informational leaflet
21 concerning pre-term labor and the potential health effects of pre-term
22 labor and pre-term delivery on an expectant mother and on her unborn
23 child; and

24 (b) distribute such leaflet to any expectant mother who presents
25 herself at the hospital in pre-term labor, and, upon request, to the
26 general public, an informational leaflet.

27 2. The leaflet described in subdivision one of this section shall be
28 designed by the commissioner and shall contain brief definitions or
29 descriptions of pre-term labor and pre-term delivery, information
30 regarding the risks pre-term labor and pre-term delivery pose to the
31 mother and child and such other materials as deemed appropriate by the
32 commissioner. Hospitals may also elect to distribute additional explan-
33 atory material along with the maternity patients information leaflet.
34 The commissioner shall make the information contained in the leaflet
35 available on the department's website.

36 3. The informational leaflet shall also include an explanation of the
37 special provisions relating to pre-term labor and pre-term delivery care
38 and coverage under the insurance law, and suggest that expectant parents
39 check their insurance policies for the details of their pre-term labor
40 and pre-term delivery coverage.

41 § 4. Item (i) of subparagraph (A) of paragraph 10 of subsection (i) of
42 section 3216 of the insurance law, as amended by chapter 238 of the laws
43 of 2010, is amended to read as follows:

44 (i) Every policy which provides hospital, surgical or medical coverage
45 shall provide coverage for maternity care, including hospital, surgical
46 or medical care to the same extent that hospital, surgical or medical
47 coverage is provided for illness or disease under the policy. Such
48 maternity care coverage, other than coverage for perinatal compli-
49 cations, shall include inpatient hospital coverage for expectant mothers
50 in pre-term labor, inpatient hospital coverage for mother and for
51 newborn for at least forty-eight hours after childbirth for any delivery
52 other than a caesarean section, and for at least ninety-six hours after
53 a caesarean section. Such coverage for maternity care shall include the
54 services of a midwife licensed pursuant to article one hundred forty of
55 the education law, practicing consistent with section sixty-nine hundred
56 fifty-one of the education law and affiliated or practicing in conjunc-

1 tion with a facility licensed pursuant to article twenty-eight of the
2 public health law, but no insurer shall be required to pay for duplica-
3 tive routine services actually provided by both a licensed midwife and a
4 physician.

5 § 5. Item (i) of subparagraph (A) of paragraph 5 of subsection (k) of
6 section 3221 of the insurance law, as amended by chapter 238 of the laws
7 of 2010, is amended to read as follows:

8 (i) Every group or blanket policy delivered or issued for delivery in
9 this state which provides hospital, surgical or medical coverage shall
10 include coverage for maternity care, including hospital, surgical or
11 medical care to the same extent that coverage is provided for illness or
12 disease under the policy. Such maternity care coverage, other than
13 coverage for perinatal complications, shall include inpatient hospital
14 coverage for expectant mothers in pre-term labor, inpatient hospital
15 coverage for mother and newborn for at least forty-eight hours after
16 childbirth for any delivery other than a caesarean section, and for at
17 least ninety-six hours after a caesarean section. Such coverage for
18 maternity care shall include the services of a midwife licensed pursuant
19 to article one hundred forty of the education law, practicing consistent
20 with section sixty-nine hundred fifty-one of the education law and
21 affiliated or practicing in conjunction with a facility licensed pursu-
22 ant to article twenty-eight of the public health law, but no insurer
23 shall be required to pay for duplicative routine services actually
24 provided by both a licensed midwife and a physician.

25 § 6. Subparagraph (A) of paragraph 1 of subsection (c) of section 4303
26 of the insurance law, as amended by chapter 238 of the laws of 2010, is
27 amended to read as follows:

28 (A) Every contract issued by a corporation subject to the provisions
29 of this article which provides hospital service, medical expense indem-
30 nity or both shall provide coverage for maternity care including hospi-
31 tal, surgical or medical care to the same extent that hospital service,
32 medical expense indemnity or both are provided for illness or disease
33 under the contract. Such maternity care coverage, other than coverage
34 for perinatal complications, shall include inpatient hospital coverage
35 for expectant mothers in pre-term labor, inpatient hospital coverage for
36 mother and for newborn for at least forty-eight hours after childbirth
37 for any delivery other than a caesarean section, and for at least nine-
38 ty-six hours following a caesarean section. Such coverage for maternity
39 care shall include the services of a midwife licensed pursuant to arti-
40 cle one hundred forty of the education law, practicing consistent with
41 section sixty-nine hundred fifty-one of the education law and affiliated
42 or practicing in conjunction with a facility licensed pursuant to arti-
43 cle twenty-eight of the public health law, but no insurer shall be
44 required to pay for duplicative routine services actually provided by
45 both a licensed midwife and a physician.

46 § 7. This act shall take effect on the sixtieth day after it shall
47 have become a law. Effective immediately the addition, amendment and/or
48 repeal of any rule or regulation necessary for the implementation of
49 this act on its effective date are authorized to be made on or before
50 such date.