STATE OF NEW YORK

2770

2019-2020 Regular Sessions

IN ASSEMBLY

January 25, 2019

Introduced by M. of A. BICHOTTE, SOLAGES, JEAN-PIERRE, BARRON, WALKER, THIELE -- read once and referred to the Committee on Health

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:

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

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

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

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

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

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

2. If the expectant mother opts not to remain at the hospital, hospital personnel shall inform the expectant mother of the option of having a visiting nurse periodically monitor the expectant mother at her home

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

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and, if requested to do so by the expectant mother, shall arrange for such monitoring and shall arrange for the expectant mother and her family to have access to a therapist to assist with their emotional needs during the period of pre-term labor.

3. As used in this section:

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

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

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

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

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

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

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

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

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

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

(i) Every policy which provides hospital, surgical or medical coverage shall provide coverage for maternity care, including hospital, surgical or medical care to the same extent that hospital, surgical or medical coverage is provided for illness or disease under the policy. Such maternity care coverage, other than coverage for perinatal complications, shall include inpatient hospital coverage for expectant mothers in pre-term labor, inpatient hospital coverage for mother and for newborn for at least forty-eight hours after childbirth for any delivery other than a caesarean section, and for at least ninety-six hours after a caesarean section. Such coverage for maternity care shall include the services of a midwife licensed pursuant to article one hundred forty of the education law, practicing consistent with section sixty-nine hundred fifty-one of the education law and affiliated or practicing in conjunction with a facility licensed pursuant to article twenty-eight of the

public health law, but no insurer shall be required to pay for duplicative routine services actually provided by both a licensed midwife and a physician.

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

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

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

(A) Every contract issued by a corporation subject to the provisions of this article which provides hospital service, medical expense indemnity or both shall provide coverage for maternity care including hospital, surgical or medical care to the same extent that hospital service, medical expense indemnity or both are provided for illness or disease under the contract. Such maternity care coverage, other than coverage for perinatal complications, shall include inpatient hospital coverage **for expectant mothers in pre-term labor, inpatient hospital coverage** for mother and for newborn for at least forty-eight hours after childbirth for any delivery other than a caesarean section, and for at least ninety-six hours following a caesarean section. Such coverage for maternity care shall include the services of a midwife licensed pursuant to article one hundred forty of the education law, practicing consistent with section sixty-nine hundred fifty-one of the education law and affiliated or practicing in conjunction with a facility licensed pursuant to article twenty-eight of the public health law, but no insurer shall be required to pay for duplicative routine services actually provided by both a licensed midwife and a physician.

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