

STATE OF NEW YORK

318--A

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IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. PAULIN, GOTTFRIED, GALEF, ARROYO, BARRON, BLAKE, DICKENS, D'URSO, COLTON, COOK, EPSTEIN, SEAWRIGHT, TAYLOR, WOERNER, McDONOUGH, JEAN-PIERRE, FERNANDEZ, WALKER, HYNDMAN, WRIGHT, BUTTENS-CHON, SIMOTAS, JACOBSON, GRIFFIN -- Multi-Sponsored by -- M. of A. THIELE -- read once and referred to the Committee on Health -- advanced to a third reading, passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law, in relation to informing maternity patients about the risks associated with cesarean section

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 2500-1 to read as follows:

3 § 2500-1. Duty of providers of primary cesarean section maternity
4 services to inform. 1. (a) Every maternal health care provider shall
5 provide the written communication established in subdivision two of this
6 section prior to delivery to each pregnant woman for whom a cesarean
7 section delivery is planned.

8 (b) Every maternal health care provider who performs a cesarean
9 section which was not planned prenatally shall provide the written
10 communication established in subdivision two of this section to the
11 patient following delivery.

12 (c) As used in this section: "maternal health care provider" or
13 "provider" shall mean a physician, midwife, nurse practitioner, or
14 physician assistant, acting within his or her scope of practice, manag-
15 ing the pregnancy of a pregnant woman.

16 2. (a) The commissioner shall develop a written communication or
17 communications for maternal health care providers to distribute to
18 maternity patients as required in subdivision one of this section, which

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

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1 contains information about cesarean section delivery. The commissioner
2 shall consult with appropriate health care professionals, providers,
3 consumers, educators and patients or organizations representing them,
4 including but not limited to the American College of Obstetricians and
5 Gynecologists and the New York State Association of Licensed Midwives to
6 develop such written communication or communications.

7 (b) Such written communication or communications shall include, but
8 not be limited to information on:

9 i. potential maternal injuries associated with cesarean delivery; and
10 ii. potential risks to the fetus; and
11 iii. the impact a cesarean delivery may have on future pregnancies and
12 deliveries; and
13 iv. circumstances in which cesarean delivery may be necessary to save
14 the life of the mother or fetus.

15 (c) The commissioner shall ensure that all information included in the
16 written communication or communications are maintained and updated to
17 reflect current clinical guidelines.

18 § 2. This act shall take effect on the one hundred eightieth day after
19 it shall have become a law. Effective immediately, the department of
20 health may make regulations and take other actions necessary for the
21 timely implementation of this act on its effective date.