

# STATE OF NEW YORK

9091

## IN ASSEMBLY

January 17, 2020

Introduced by M. of A. SCHMITT -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to requiring patients to undergo counseling prior to prostate cancer surgery

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

Section 1. The public health law is amended by adding a new section 2803-z to read as follows:

§ 2803-z. Hospital care for prostate cancer patients. 1. When a general hospital provides surgery for prostate cancer, inpatient care shall be offered for a period as determined by the attending physician in consultation with the patient to be medically appropriate. For purposes of this section, "reconstructive" or "reconstruction" shall refer to post-prostatectomy reconstruction in regards to urinary leakage and erectile dysfunction.

2. Every general hospital that offers surgery for prostate cancer shall provide information to the patient concerning the option of reconstructive surgery following such procedures, including the availability of coverage for reconstructive surgery, in accordance with the provisions of sections three thousand two hundred sixteen, three thousand two hundred twenty-one and four thousand three hundred three of the insurance law and applicable provisions of federal law. The information shall be provided to the patient in writing and in advance of obtaining consent to the surgical procedure. The information provided shall include at least the following:

(a) a description of the various reconstructive options and the advantages and disadvantages of each;

(b) a description of the provisions assuring coverage by public and private insurance plans of the costs related to reconstructive surgery under federal and state law;

(c) a description of how a patient may access reconstructive care, including the potential of transferring care to a facility that provides reconstructive care or choosing to pursue reconstruction after

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

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1 completion of prostate cancer surgery and chemo/radiotherapy, if  
2 warranted; and

3 (d) such other information as may be required by the commissioner.

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