STATE OF NEW YORK

3387

2019-2020 Regular Sessions

IN SENATE

February 6, 2019

Introduced by Sens. KAPLAN, HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to lactation counseling services

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

Section 1. Paragraph (x) of subdivision 2 of section 365-a of the social services law, as added by section 6 of part D of chapter 56 of the laws of 2012, is amended to read as follows:

(x)**(i)** lactation counseling services for pregnant and postpartum women [~~when such services are ordered by a physician, registered physician assistant, registered nurse practitioner, or licensed midwife and~~] provided by a [~~certified~~] **qualified** lactation [~~consultant~~] **care provider**, as determined by the commissioner of health; provided, however, that the provisions of this paragraph shall not take effect unless all necessary approvals under federal law and regulation have been obtained to receive federal financial participation in the costs of health care services provided pursuant to this paragraph. Nothing in this paragraph shall be construed to modify any licensure, certification or scope of practice provision under title eight of the education law.

(ii) For the purposes of this paragraph, the following terms shall have the following meanings:

(1) "Qualified lactation care provider" shall mean a person who possesses current certification as a lactation care provider from a certification program accredited by a nationally recognized accrediting agency.

(2) "Nationally recognized accrediting agency" shall mean a nationally recognized accrediting agency designated by the commissioner; provided that the commissioner shall designate more than one agency.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.

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

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