STATE OF NEW YORK

7544

IN SENATE

January 24, 2020

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to requiring the department of health to develop an informational pamphlet for patients undergoing pelvic examinations and to make the informational pamphlet available for use by medical practitioners performing pelvic examinations and to require medical practitioners performing pelvic exams to disseminate such pamphlets

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 2504-b to read as follows:

§ 2504-b. Information concerning pelvic exams. 1. On or before July first, two thousand twenty, the department, in coordination with the American College of Obstetricians and Gynecologists, the Medical Society of the State of New York, and the New York State Academy of Family Physicians shall develop an informational pamphlet for patients undergoing pelvic examinations that includes, but is not limited to information concerning, the following:

(a) what a pelvic exam is and how it is properly performed;

(b) if applicable, a description of other relevant exams;

(c) privacy expectations, including that privacy should be provided for the patient both when undressing and dressing and that a gown or a drape should be provided;

(d) an explanation of what a speculum is and how it should be properly used during an examination;

(e) that gloves should be worn by the licensee during the examination; and

(f) a telephone number for the office of professional medical conduct at which a patient may report any misconduct that the patient feels may have occurred.

2. The informational pamphlet developed pursuant to subdivision one of this section shall be made available for use by licensees performing pelvic examinations. The informational pamphlet shall be posted as a

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

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printable file on the department's internet website, made available for order as a printed deliverable on the department's internet website, or both.

3. The informational pamphlet shall be written in layperson's language and shall be made available in both English and Spanish.

4. Prior to a patient's first pelvic examination, a licensee shall provide the patient the informational pamphlet developed pursuant to this section and shall obtain a signed acknowledgment of receipt from the patient, which shall be maintained as part of the patient's medical record.

5. A licensee who violates this section may be cited and assessed an administrative fine by the appropriate licensing board. A citation shall not be issued and a fine shall not be assessed upon the first complaint against a licensee who violates this section. Upon the second and subsequent complaints against a licensee who violates this section, a citation may be issued and an administrative fine may be assessed by the appropriate licensing board.

6. Notwithstanding any other law, a licensee shall not be subject to criminal penalties for a violation of this section.

7. Notwithstanding any other law, all fines collected pursuant to this section for a violation of this section shall be credited to the respective fund or account of the appropriate licensing board that assessed the fine, but shall not be expended until they are appropriated by the legislature.

8. For purposes of this section, "licensee" means a person licensed, certified, registered, or otherwise subject to regulation under the education law who, acting within the scope of his or her practice in accordance with standardized protocols where they exist and in conformity with the standard of care for his or her profession, is authorized to perform pelvic examinations.

§ 2. This act shall take effect on the one hundredth 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 and completed on or before such date.