

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:

1 Section 1. The public health law is amended by adding a new section
2 2803-z to read as follows:

3 § 2803-z. Hospital care for prostate cancer patients. 1. When a gener-
4 al hospital provides surgery for prostate cancer, inpatient care shall
5 be offered for a period as determined by the attending physician in
6 consultation with the patient to be medically appropriate. For purposes
7 of this section, "reconstructive" or "reconstruction" shall refer to
8 post-prostatectomy reconstruction in regards to urinary leakage and
9 erectile dysfunction.

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

20 (a) a description of the various reconstructive options and the advan-
21 tages and disadvantages of each;

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

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

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

LBD11319-03-0

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.