

# STATE OF NEW YORK

6952

## IN SENATE

January 6, 2020

Introduced by Sen. KAPLAN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. Paragraph (x) of subdivision 2 of section 365-a of the  
2 social services law, as amended by a chapter of the laws of 2019, amend-  
3 ing the social services law relating to lactation counseling services,  
4 as proposed in legislative bills numbers S. 3387 and A. 2345, is amended  
5 to read as follows:

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

16 (ii) [~~For~~ for] for the purposes of this paragraph, the following terms  
17 shall have the following meanings:

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

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

25 § 2. This act shall take effect on the same date and in the same  
26 manner as a chapter of the laws of 2019, amending the social services  
27 law relating to lactation counseling services, as proposed in legisla-  
28 tive bills numbers S. 3387 and A. 2345, takes effect.

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

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