STATE OF NEW YORK

1254

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

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

AN ACT to amend the public health law, in relation to pre-term labor care and directing the commissioner of health to require hospitals to provide pre-term labor patients with information regarding the potential health effects of pre-term labor and pre-term delivery on an expectant mother and on her fetus; to amend a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and A.2770-C, in relation to the effectiveness thereof; and to repeal certain provisions of the public health law related thereto

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

Section 1. Section 2509-b of the public health law as added by a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and A.2770-C is REPEALED.

§ 2. Subdivisions 1 and 1-a of section 2803-j of the public health law, as amended by a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and A.2770-C, are amended to read as follows:

1. The commissioner shall require that every hospital and birth center shall prepare in printed or photocopied form and distribute at the time of pre-booking directly to each prospective maternity patient and, upon request, to the general public an informational leaflet. [~~Such leaflet shall also be distributed to any expectant mother who presents at the hospital during pregnancy.~~] Such leaflet shall be designed by the commissioner and shall contain brief definitions of maternity related procedures and practices as specified in subdivision two of this section and such other material as deemed appropriate by the commissioner.

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

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Hospitals and birth centers may also elect to distribute additional explanatory material along with the maternity patients informational leaflet. The commissioner shall make the information contained in the leaflet available on the department's website.

1-a. The informational leaflet shall also include[~~:~~

~~(a)~~] an explanation of the special provisions relating to maternity care and coverage under the insurance law and section twenty-eight hundred three-n of this article, and suggest that expectant parents check their insurance policies for the details of their maternity coverage[~~; and~~

~~(b) a statement that the medical assistance program provides coverage for all income-eligible pregnant women and children residing in the state regardless of immigration status~~].

§ 3. Subdivision 1-f of section 2803-j of the public health law as added by a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed by legislative bills numbers S.8525 and A.2770-C is REPEALED.

§ 4. Section 2803-n of the public health law is amended by adding a new subdivision 4 to read as follows:

4. The hospital shall adopt, implement and periodically update standard protocols for management of other emergency medical conditions related to pregnancy for expectant mothers being admitted to the hospital or presenting to the emergency department, including but not limited to pre-term labor. Such protocols shall require the hospital to determine whether an expectant mother is experiencing an emergency medical condition, and upon making a diagnosis of an emergency medical condition, admit the expectant mother to the hospital or treat them in the emergency room for close observation and continuous monitoring until it is deemed medically safe for discharge or transfer in accordance with state and federal requirements including the federal Emergency Medical Treatment and Labor Act (EMTALA).

§ 5. Section 266 of the public health law as added by chapter 342 of the laws of 2014, is amended by adding two new subdivisions 4 and 5 to read as follows:

4. Information pursuant to subdivision two of this section shall include information related to pre-term labor and premature birth, including but not limited to definitions and information on the risks of pre-term labor and premature birth to the expectant mother and fetus, as well as signs and symptoms of pre-term labor. The information shall also include:

(a) a statement that the medical assistance program provides coverage for all income-eligible pregnant women residing in the state regardless of immigration status; and

(b) a statement informing individuals of their right to request a hospital discharge review in accordance with section twenty-eight hundred three-i of this article if they believe they are being asked to leave a hospital too soon; and

(c) a statement informing individuals that hospitals must determine whether an expectant mother is experiencing an emergency medical condition, and upon making a diagnosis of an emergency medical condition, admit the expectant mother to the general hospital or treat them in the emergency room for close observation and continuous monitoring until it is deemed medically safe for discharge or transfer in accordance with state and federal requirements including the federal Emergency Medical Treatment and Labor Act (EMTALA).

5. The department shall develop educational materials to be provided to emergency room medical staff regarding the state and federal discharge and transfer requirements.

§ 6. Section 2803-w of the public health law, as added by chapter 76 of the laws of 2020, is amended to read as follows:

§ 2803-w. Disclosure of information concerning pregnancy complications. Every hospital offering maternity or women's wellness services shall provide the information developed pursuant to **subdivisions two and four of** section two hundred sixty-six of this chapter, as added by chapter 342 of the laws of 2014, to pregnant patients as clinically appropriate, but prior to discharge**. In addition, such information shall be provided at the time of pre-booking to each prospective maternity patient and, upon request, to the general public**. Such information shall also be provided by every diagnostic and treatment center offering prenatal care services upon the initial prenatal care visit.

§ 7. Section 4 of a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and A.2770-C, is amended to read as follows:

§ 4. This act shall take effect [~~**on the sixtieth day**~~] **one year** 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.

§ 8. This act shall take effect immediately; provided, however, that sections one, two, three, five and six, shall take effect on the same date and in the same manner as a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and A.2770-C, takes effect; provided, further, that section four of this act shall take effect on the one hundred eightieth day after a chapter of the laws of 2020, amending the public health law relating to enacting the Jonah Bichotte Cowan law, as proposed in legislative bills numbers S.8525 and A.2770-C, takes effect.