

STATE OF NEW YORK

210--B

Cal. No. 381

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. PERSAUD, BIAGGI, BROUK, MANNION, PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. The public health law is amended by adding a new section
2 2504-b to read as follows:

3 § 2504-b. Information concerning pelvic exams. 1. On or before July
4 first, two thousand twenty-two, the department shall develop an informa-
5 tional pamphlet for patients undergoing pelvic examinations. In devel-
6 oping the pamphlet, the department shall consult with state professional
7 societies representing physicians in general, obstetricians and gynecol-
8 ogists, family practice physicians, nurse practitioners, physician
9 assistants and midwives. The pamphlet shall include but not be limited
10 to information concerning, the following:

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

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

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

LBD03288-04-1

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

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

6 (e) that gloves should be worn by the practitioner during the examina-
7 tion; and

8 (f) a telephone number for the office of professional medical conduct
9 in the department and the office of the professions in the state educa-
10 tion department, at which a patient may report any misconduct that the
11 patient feels may have occurred.

12 2. The informational pamphlet shall be made available for use by prac-
13 tioners. The informational pamphlet shall be posted as a printable
14 file on the department's internet website, and may also be made avail-
15 able for order as a printed deliverable on the department's internet
16 website.

17 3. The informational pamphlet shall be written in layperson's language
18 and shall be made available in English and the six most common non-Engl-
19 ish languages spoken by individuals with limited English proficiency in
20 New York state as based on the most recent census.

21 4. A practitioner may provide the patient the informational pamphlet
22 developed pursuant to this section.

23 5. For purposes of this section, "practitioner" means a health care
24 professional licensed, certified, or otherwise authorized to practice
25 under the education law, acting within the scope of practice.

26 § 2. This act shall take effect on the one hundredth day after it
27 shall have become a law. Effective immediately the addition, amendment
28 and/or repeal of any rule or regulation necessary for the implementation
29 of this act on its effective date are authorized to be made and
30 completed on or before such date.