

STATE OF NEW YORK

7835

IN SENATE

January 12, 2022

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

AN ACT to amend the public health law, in relation to the operation of midwifery birth centers; and to amend a chapter of the laws of 2021 amending the public health law relating to accreditation, approval, and operation of midwifery birth centers as proposed in legislative bills numbers S. 1414-A and A.259-A, in relation to the effectiveness thereof

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

1 Section 1. Paragraph (b) of subdivision 11 of section 2803 of the
2 public health law, as amended by a chapter of the laws of 2021 amending
3 the public health law relating to accreditation, approval, and operation
4 of midwifery birth centers as proposed in legislative bills numbers S.
5 1414-A and A. 259-A, is amended to read as follows:

6 (b) (i) As used in this subdivision, "accrediting organization" means
7 a national accrediting organization that provides accreditation to
8 midwifery birth centers, recognized by the commissioner in consultation
9 with representatives of midwives, midwifery birth centers, and general
10 hospitals providing obstetric services. The commissioner shall not
11 unreasonably withhold recognition of an organization seeking to be
12 recognized under this paragraph.

13 (ii) Where a proposed midwifery birth center demonstrates the intent
14 and capability to obtain and maintain accreditation by an accrediting
15 organization, and fully completes and files an application with the
16 public health and health planning council on forms provided by the
17 department, it shall be deemed upon approval of the public health and
18 health planning council to meet the requirements of this article for a
19 midwifery birth center for approval of a certificate of incorporation,
20 articles of organization and establishment, contingent on obtaining and
21 maintaining that accreditation. Notwithstanding any other provision of
22 this article to the contrary, such application to the public health and
23 health planning council shall include information to: (A) satisfy the
24 character and competence criteria found in subdivision three of section

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

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1 twenty-eight hundred one-a of this article; (B) demonstrate that the
2 legal structure of the proposed operator of the midwifery birth center
3 complies with the requirements for establishment of hospitals under
4 section twenty-eight hundred one-a of this article; (C) evidence the
5 capability to fund any acquisition, renovations, and construction costs;
6 and (D) demonstrate that the premises and equipment comply with required
7 life safety and building standards necessary to protect the life, safety
8 and welfare of patients and staff. Upon receipt of a completed applica-
9 tion, the department shall schedule such application for consideration
10 at the next available and appropriate committee meeting by the public
11 health and health planning council. If the department receives an incom-
12 plete application, the department shall communicate with the applicant
13 until such time as the application is completed and filed with the
14 public health and health planning council for its approval or disap-
15 proval, or the applicant withdraws the application.

16 (iii) Regulations and requirements of the commissioner under paragraph
17 (a) of this subdivision for approval of a certificate of incorporation,
18 articles of organization, establishment, and operation of a midwifery
19 birth center established or seeking to be established under this arti-
20 cle, including a determination of public need and compliance with opera-
21 tional and physical plant standards, shall not be inconsistent with: (A)
22 article one hundred forty of the education law [and]; (B) the standards
23 of the accrediting organization from which the midwifery birth center
24 proposes to seek, seeks or has obtained accreditation; (C) life safety
25 code or other building standards the commissioner deems necessary to
26 protect the life, safety and welfare of patients and staff; and (D)
27 subparagraph (ii) of this paragraph. Regulations, requirements and
28 guidance under this subparagraph shall be made by the commissioner after
29 consultation with representatives of midwives, midwifery birth centers,
30 and general hospitals providing obstetric services. To the extent any of
31 the standards in this subparagraph conflict, the commissioner shall
32 accommodate or modify the application of any standard to harmonize and
33 maximize the intent of the standards.

34 § 2. Section 2 of a chapter of the laws of 2021 amending the public
35 health law relating to accreditation, approval, and operation of midwif-
36 ery birth centers as proposed in legislative bills numbers S. 1414-A and
37 A. 259-A, is amended to read as follows:

38 § 2. This act shall take effect [~~immediately~~] on the one hundred
39 eightieth day after it shall have become a law. Effective immediately,
40 the commissioner of health and the public health and health planning
41 council shall make regulations and take other actions reasonably neces-
42 sary to implement this act on that date.

43 § 3. This act shall take effect immediately; provided, however, that
44 section one of this act shall take effect on the same date and in the
45 same manner as a chapter of the laws of 2021, relating to accreditation,
46 approval, and operation of midwifery birth centers, as proposed in
47 legislative bills numbers S. 1414-A and A. 259-A, takes effect.