

STATE OF NEW YORK

8232

IN SENATE

February 7, 2022

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to hospital care for mastectomy, lumpectomy, and lymph node dissection patients

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

1 Section 1. Subdivision 2 of section 2803-o of the public health law,
2 as added by chapter 354 of the laws of 2010, is amended to read as
3 follows:

4 2. Every general hospital that provides mastectomy surgery, lymph node
5 dissection or a lumpectomy shall provide information to the patient
6 concerning the option of reconstructive surgery following such proce-
7 dures, including the availability of coverage for reconstructive
8 surgery, in accordance with the provisions of sections three thousand
9 two hundred sixteen, three thousand two hundred twenty-one and four
10 thousand three hundred three of the insurance law and applicable
11 provisions of federal law. The information shall be provided to the
12 patient in writing and in advance of obtaining consent to the surgical
13 procedure. The information provided shall include at least the follow-
14 ing:

15 (a) a description of the various reconstructive options and the advan-
16 tages and disadvantages of each, including going breastless or flat and
17 having an aesthetic flat closure, which is the reconstruction of the
18 chest wall contour with no excess tissue;

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

22 (c) a description of how a patient may access reconstructive care,
23 including the potential of transferring care to a facility that provides
24 reconstructive care or choosing to pursue reconstruction after
25 completion of breast cancer surgery and chemo/radiotherapy, if
26 warranted;

27 (d) such other information as may be required by the commissioner.

28 § 2. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.

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

LBD14118-01-1