

# STATE OF NEW YORK

5489--B

2021-2022 Regular Sessions

## IN ASSEMBLY

February 19, 2021

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

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

§ 2504-b. Information concerning pelvic exams. 1. On or before July first, two thousand twenty-two, the department shall develop an informational pamphlet for patients undergoing pelvic examinations. In developing the pamphlet, the department shall consult with state professional societies representing physicians in general, obstetricians and gynecologists, family practice physicians, nurse practitioners, physician assistants and midwives. The pamphlet shall include but not be limited to information concerning, the following:

(a) what a pelvic exam is and how it is properly performed;  
(b) if applicable, a description of other relevant exams;  
(c) privacy expectations, including that privacy should be provided for the patient both when undressing and dressing and that a gown or a drape should be provided;  
(d) an explanation of what a speculum is and how it should be properly used during an examination;

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

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

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

7 2. The informational pamphlet shall be made available for use by prac-  
8 titioners. The informational pamphlet shall be posted as a printable  
9 file on the department's internet website, and may also be made avail-  
10 able for order as a printed deliverable on the department's internet  
11 website.

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

16 4. A practitioner may provide the patient the informational pamphlet  
17 developed pursuant to this section.

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

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