STATE OF NEW YORK

8642

IN ASSEMBLY

January 10, 2022

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

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:

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

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

(a) a description of the various reconstructive options and the advantages and disadvantages of each**, including going breastless or flat and having an aesthetic flat closure, which is the reconstruction of the chest wall contour with no excess tissue**;

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

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

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

§ 2. This act shall take effect on the first of January next succeeding 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