

# STATE OF NEW YORK

8866

## IN SENATE

April 25, 2022

Introduced by Sen. BROUK -- 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 establishing the cesarean births review board

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 2500-n to read as follows:

3 § 2500-n. Cesarean births review board. 1. There is hereby established  
4 in the department the cesarean births review board, hereinafter referred  
5 to as the "board". The members of the board shall be comprised of  
6 experts in the fields of maternal mortality, maternal health, and public  
7 health. The appointment of any member of the board shall be based in  
8 part on the objective of ensuring that the board includes experts who  
9 are representative of the racial, ethnic, and socioeconomic diversity of  
10 the birthing people of the state.

11 2. The board should be composed of twelve members which shall include  
12 eight members to be appointed by the governor as follows: two licensed  
13 midwives in the state; two licensed and registered nurses specializing  
14 in obstetrics in the state; two physicians specializing in obstetrics  
15 and gynecology licensed and registered to practice in the state; and two  
16 representatives of a women's maternal health organization that operates  
17 in the state; and four additional members, two appointed on the recom-  
18 mendation of the temporary president of the senate and two appointed on  
19 the recommendation of the speaker of the assembly. The governor shall  
20 designate the commissioner, or their designee, as chair of the board.  
21 Members of the board shall receive no compensation for their services  
22 but may be reimbursed for necessary and actual expenses incurred in the  
23 performance of their duties hereunder.

24 3. The board shall undertake a review of cesarean births at hospitals  
25 in the state. The board shall issue a final report and make recommenda-  
26 tions to reduce the rate of cesarean births in the state. The board  
27 shall consider factors including, but not limited to:

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

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1 (a) the primary and repeat cesarean birth rates among hospitals in the  
2 state;

3 (b) the hospitals in the state that allow or encourage vaginal births  
4 after cesarean births;

5 (c) the rate of vaginal births after cesarean births among hospitals  
6 in the state;

7 (d) the rate of vaginal births after cesarean births that were offered  
8 by hospitals in the state but declined by the birthing person;

9 (e) the rate of vaginal births after cesarean births that were  
10 attempted but failed among hospitals in the state;

11 (f) the time of day unplanned cesarean births occur in hospitals, and  
12 whether such correlates with the rate of cesarean births in a hospital;

13 (g) the number of birthing people who elect to have midwives attend  
14 labor and delivery in hospitals in the state;

15 (h) the frequency of midwifery care during labor in hospitals across  
16 the state and what impact, if any, this has on the rate of cesarean  
17 births; and

18 (i) the number of birthing people who were informed by their health  
19 care provider about the potential risks, benefits, and alternatives  
20 related to cesarean births before labor.

21 4. The board may request and shall receive upon request from any  
22 department, division, board, bureau, commission, local health depart-  
23 ments or any other agency in the state or political subdivision thereof  
24 or any public authority, such information, including but not limited to  
25 medical records, birth records, and any other information that will help  
26 the department under this section to properly carry out its functions,  
27 powers and duties.

28 5. The board shall, within eighteen months of convening, issue a final  
29 report on its findings and recommendations to the governor, speaker of  
30 the assembly, and temporary president of the senate. The board shall  
31 post a copy of such report on the department's website.

32 6. The board shall keep confidential any information collected or  
33 received under this section that includes personal identifying informa-  
34 tion of the birthing person, health care practitioner or practitioners  
35 or anyone else individually named in such information, as well as the  
36 hospital or facility that treated the birthing person, and any other  
37 information such as geographic location that may inadvertently identify  
38 the birthing person, practitioner or facility, and shall use the infor-  
39 mation provided or received under this section solely for the purposes  
40 of improvement of the quality of maternal health care.

41 § 2. This act shall take effect immediately.