

STATE OF NEW YORK

2367

2023-2024 Regular Sessions

IN ASSEMBLY

January 25, 2023

Introduced by M. of A. PAULIN, BURDICK, GONZALEZ-ROJAS, SIMON, JEAN-PIERRE, WOERNER, FORREST -- read once and referred to the Committee on Health

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 fourteen members which shall
12 include eight members to be appointed by the governor as follows: two
13 licensed midwives in the state; two licensed and registered nurses
14 specializing in obstetrics in the state; two physicians specializing in
15 obstetrics and gynecology licensed and registered to practice in the
16 state; and two representatives of a women's maternal health organization
17 that operates in the state; and six additional members, two appointed on
18 the recommendation of the temporary president of the senate, two
19 appointed on the recommendation of the speaker of the assembly, one
20 appointed on the recommendation of the minority leader of the senate,
21 and one appointed on the recommendation of the minority leader of the
22 assembly. The governor shall designate the commissioner, or their
23 designee, as chair of the board. Members of the board shall receive no

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

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1 compensation for their services but may be reimbursed for necessary and
2 actual expenses incurred in the performance of their duties hereunder.

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

7 (a) the primary and repeat cesarean birth rates among hospitals in the
8 state;

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

11 (c) the rate of vaginal births after cesarean births among hospitals
12 in the state;

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

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

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

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

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

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

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

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

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

47 § 2. This act shall take effect immediately.