

STATE OF NEW YORK

3241--A

Cal. No. 90

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PAULIN, GUNTHER, L. ROSENTHAL, WOERNER, FAHY, TAYLOR, CARROLL, JACOBSON, SIMON, SEAWRIGHT, SAYEGH, BURDICK, JEAN-PIERRE, GONZALEZ-ROJAS, FORREST, WEPRIN, LEVENBERG, BICHOTTE HERMELYN -- Multi-Sponsored by -- M. of A. LUPARDO, McDONOUGH -- read once and referred to the Committee on Insurance -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law and the insurance law, in relation to premium reduction for obstetric practitioners who complete a risk management strategies course

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 2506-a to read as follows:

3 § 2506-a. Risk management strategies in obstetrics and midwifery
4 courses. 1. In order to improve patient safety, birth outcomes and to
5 promote informed consultation by patients with their physicians and
6 licensed midwives during the prenatal through intrapartum and postpartum
7 periods, the commissioner shall approve courses for eligible physicians
8 and licensed midwives as provided in subdivision four of this section
9 that covers risk management strategies in obstetrics and midwifery as
10 described in subdivision two of this section. Such risk management stra-
11 tegies courses shall be subject to such standards as the commissioner
12 may prescribe by regulation. In prescribing such regulations, the
13 commissioner may consult with the American Congress of Obstetricians and
14 Gynecologists, New York State Association of Licensed Midwives and other
15 health care organizations.

16 2. Courses on risk management strategies during the prenatal through
17 intrapartum and postpartum periods shall promote evidence-based clinical
18 guidelines and patient safety protocols from both the midwifery and
19 obstetrical perspectives. Options for courses should be appropriate for

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

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1 the respective profession and may include issues such as: methods to
2 eliminate non-medically indicated (elective) deliveries prior to thir-
3 ty-nine weeks gestation including the neonatal impact of late preterm
4 births; vaginal births after cesarean births and the applicability to a
5 trial of labor; reductions in cesarean births; monitoring of fetal well-
6 being; management of pain in labor; management of maternal hemorrhage,
7 including placenta accreta, hypertension in pregnancy, including pre-ec-
8 lampsia and eclampsia, vaginal breech and prevention of shoulder dysto-
9 cia; and other evidence-based guideline determined issues that improve
10 the care and outcomes of women.

11 3. Attendance at any course approved by the commissioner pursuant to
12 this section may be in person or through distance learning methods which
13 evince that all participants are in attendance for the duration of the
14 course and able to ask questions of the instructor.

15 4. Physicians who are board certified or are active candidates for
16 board certification in obstetrics and physicians who are board certified
17 or are eligible for board certification in family practice and provide
18 obstetric services and midwives who are licensed in the state are eligi-
19 ble for a risk management strategies course.

20 5. The commissioner is authorized to prescribe any rules and regu-
21 lations necessary to implement this section. In prescribing such rules
22 and regulations, the commissioner shall consider the rules and regu-
23 lations promulgated by the superintendent of financial services pursuant
24 to subsection (e) of section two thousand three hundred forty-three of
25 the insurance law and may consult with the superintendent of financial
26 services.

27 § 2. Subsection (e) of section 2343 of the insurance law, as added by
28 chapter 642 of the laws of 1990, is amended and a new subsection (f) is
29 added to read as follows:

30 (e) The superintendent may approve an actuarially appropriate premium
31 reduction for an insured physician or licensed midwife who successfully
32 completes a risk management course or a course authorized by the commis-
33 sioner of health under section two thousand five hundred six-a of the
34 public health law, which must be approved by the superintendent subject
35 to such standards as the superintendent may prescribe by regulation. In
36 prescribing such regulation the superintendent may consult with the
37 commissioner of health.

38 (f) An insured physician or licensed midwife who successfully
39 completes a course authorized by the commissioner of health under
40 section two thousand five hundred six-a of the public health law shall
41 not, during the period set forth in the superintendent's regulations
42 prescribing standards for the premium reduction, also be eligible for
43 additional premium reduction for an insured physician or licensed
44 midwife's medical malpractice insurance policy for successful completion
45 of a risk management course approved by the superintendent under part
46 152 of title 11 of the New York code of rules and regulations.

47 § 3. This act shall take effect one year after it shall have become a
48 law and shall apply to all insurance policies and contracts issued,
49 renewed, modified or altered on and after such effective date. The
50 commissioner of health and the superintendent of financial services are
51 authorized and directed to adopt, amend, suspend or repeal regulations
52 and take other actions necessary for the implementation of this act
53 prior to such effective date; provided, however, that such adoption,
54 amendment, suspension or repeal of regulations shall not have legal
55 effect until this act takes effect.