

# STATE OF NEW YORK

2463--A

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sens. PERSAUD, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to directing the department of health to create an informational pamphlet regarding the laparoscopic power morcellation surgery technique

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 2504-c to read as follows:

3 § 2504-c. Information concerning laparoscopic power morcellation  
4 surgery technique. 1. On or before July first, two thousand twenty-four,  
5 the department shall develop an informative pamphlet for patients  
6 considering going through the laparoscopic power morcellation surgery  
7 technique. In developing the pamphlet, the department shall consult with  
8 state professional societies representing physicians in general, obstet-  
9 ricians and gynecologists, family practice physicians, nurse practition-  
10 ers, physician assistants and midwives. The pamphlet shall include, but  
11 not be limited to, information concerning:

12 (a) What the laparoscopic power morcellation surgery is defined as,  
13 what the risks and benefits are, and how it is performed;

14 (b) If applicable, a description of other relevant procedures and  
15 techniques that may be applicable to the patient such as the hystero-  
16 scopic morcellation technique;

17 (c) The requirement of screening the patient for cancers including,  
18 but not limited to: uterine myoma, endometrial stromal sarcoma (ESS) and  
19 leiomyosarcoma, prior to undergoing laparoscopic surgery;

20 (d) Privacy expectations, including that privacy should be provided  
21 for the patient both when undressing and dressing and that a gown or a  
22 drape should be provided;

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

LBD04480-02-3

1 (e) If laparoscopic hysterectomy, which is a surgical procedure used  
2 to remove the uterus, or myomectomy hysterectomy, which is a surgical  
3 procedure used to remove the fibroids, is recommended, then the provider  
4 shall inform the patient if power morcellation will be used and why it  
5 is the best option for this exact case;

6 (f) An explanation of what the laparoscopic power morcellation is and  
7 what it is used for;

8 (g) Explicitly mentioning and explaining the possibility that this  
9 procedure may spread cancer cells that have not been detected, include  
10 all the options to treat the condition, including the risks and benefits  
11 of each option;

12 (h) That gloves should be worn by the practitioner during the proce-  
13 dure; and

14 (i) A telephone number for the office of professional medical conduct  
15 in the department and the office of the professions in the state educa-  
16 tion department, at which a patient may report any misconduct that the  
17 patient feels may have occurred.

18 2. The informational pamphlet shall be made available for use by prac-  
19 titioners. The informational pamphlet shall be posted as a printable  
20 file on the department's internet website and may also be made available  
21 for order as a printed deliverable on the department's internet website.

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

26 4. A practitioner may provide the patient the informational pamphlet  
27 developed pursuant to this section prior to performing laparoscopic  
28 power morcellation surgery.

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

32 § 2. This act shall take effect on the ninetieth day after it shall  
33 have become a law.