STATE OF NEW YORK

6866

2023-2024 Regular Sessions

IN SENATE

May 11, 2023

Introduced by Sens. SALAZAR, CLEARE -- 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 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 amended by chapter 571 of the laws of 2022, 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 both breast and chest wall reconstructive surgery and 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. Such description shall include **going breastless or flat and having an** aesthetic flat closure as such term is defined by the National Cancer Institute;

(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

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

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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.