STATE OF NEW YORK

1297

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. BICHOTTE HERMELYN, SIMON, GONZALEZ-ROJAS -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to treatment following the confirmation of fetal or embryo death in utero; to amend the public health law, in relation to requiring the commissioner of health to establish a registry of facilities providing certain services and to requiring hospitals to have healthcare providers on call to perform certain procedures; and to amend the education law, in relation to requiring training in certain procedures

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as "Mickie's law".

§ 2. The public health law is amended by adding a new section 2500-l to read as follows:

§ 2500-l. Treatment following fetal or embryo death in utero. 1. Notwithstanding any provision to the contrary, in the event that a fetus or embryo dies while in utero, and such death is confirmed by a healthcare provider, the healthcare provider shall inform the patient of the options for treatment, including surgical evacuation, the induction of labor and allowing the patient to spontaneously miscarry. At the request of the patient, and if medically advisable, the healthcare provider shall arrange for the removal of the fetus or embryo and the associated products of conception through surgical evacuation or the commencement of the induction of labor within forty-eight hours of the confirmation of fetal or embryo death. If the healthcare provider is unable to provide such services within forty-eight hours of the confirmation of fetal or embryo death, the healthcare provider shall refer the patient to another healthcare provider or facility able to provide the services within the forty-eight hour time frame and shall advise the patient of the provider registry established pursuant to subdivision five of section twenty-five hundred of this article.

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

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2. If a patient has left the office or facility of the healthcare provider who confirmed the fetal or embryo death prior to being advised of the death, the healthcare provider shall contact the patient within twenty-four hours of confirmation of the fetal or embryo death and notify the patient of the death.

3. As used in this section, "healthcare provider" means a practitioner in an individual practice, group practice, partnership, professional corporation or other authorized form of association, a hospital, or a clinic providing reproductive healthcare services.

§ 3. Section 2500 of the public health law is amended by adding a new subdivision 5 to read as follows:

5. The commissioner, in conjunction with the department of education, shall establish a registry of facilities that perform surgical intervention procedures following the death of a fetus or embryo in utero and shall make such registry available to the public on the department's website. The registry shall display the name, address and telephone number of each such facility and shall contain a link to the facility's website, if available.

§ 4. Section 2803-n of the public health law is amended by adding a new subdivision 5 to read as follows:

5. The hospital shall have at least one healthcare provider either present in the hospital or on call to provide care to an expectant mother who requests surgical evacuation or the induction of labor after her fetus or embryo dies in utero.

§ 5. The education law is amended by adding a new section 6524-a to read as follows:

§ 6524-a. Specialist training. Any applicant for a license under this article to practice in the areas of obstetrics, gynecology or general surgery is required to receive or have received training in performing dilation and curettage and dilation and evacuation procedures prior to application for such license.

§ 6. This act shall take effect on the thirtieth day after it shall have become a law.