

# STATE OF NEW YORK

2367--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to requiring the advisory council on maternal mortality and morbidity to undertake a review of the cesarean births at hospitals in the state

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

1 Section 1. Paragraph (a) of subdivision 1 of section 2509 of the  
2 public health law, as amended by chapter 142 of the laws of 2019, is  
3 amended to read as follows:

4 (a) There is hereby established in the department the maternal mortal-  
5 ity review board for the purpose of reviewing maternal deaths and mater-  
6 nal morbidity and developing and disseminating findings, recommenda-  
7 tions, and best practices to contribute to the prevention of maternal  
8 mortality and morbidity. The board shall assess the cause of death,  
9 including whether there was a vaginal or cesarean birth, factors leading  
10 to death and preventability for each maternal death reviewed and, in the  
11 discretion of the board, cases of severe maternal morbidity, and shall  
12 develop and disseminate strategies for reducing the risk of maternal  
13 mortality and morbidity, including risk resulting from racial, economic,  
14 or other disparities. The commissioner may delegate the authority to  
15 conduct maternal mortality reviews.

16 § 2. Paragraph (a) of subdivision 5 of section 2509 of the public  
17 health law, as amended by chapter 142 of the laws of 2019, is amended to  
18 read as follows:

19 (a) shall make and report findings and recommendations to the commis-  
20 sioner, and in the case of the city board to the commissioner and the  
21 city commissioner regarding the cause of death, factors leading to  
22 death, and preventability of each maternal death case, including whether

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

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1 there was a vaginal or cesarean birth, and each case of severe maternal  
2 morbidity reviewed by the board, by reviewing relevant information for  
3 each case in the state or the city of New York, as the case may be, and  
4 consulting with experts as needed to evaluate the information for each  
5 death; and shall provide such findings and recommendations, including  
6 best practices and strategies for reducing the risk of maternal mortal-  
7 ity and morbidity, to the advisory council; provided that material  
8 provided to the advisory council shall not include any information that  
9 would be confidential under this section;

10 § 3. Paragraphs (b) and (d) of subdivision 8 of section 2509 of the  
11 public health law, as amended by chapter 142 of the laws of 2019, are  
12 amended to read as follows:

13 (b) The advisory council:

14 (i) may review the findings of the boards;

15 (ii) may develop recommendations on policies, best practices, and  
16 strategies to prevent maternal mortality and morbidity;

17 (iii) may hold public hearings on those matters;

18 (iv) may make findings and issue reports, including an annual report,  
19 on such matters; [~~and~~]

20 (v) may request and shall receive the assistance of the commissioner,  
21 the city commissioner, and the boards in carrying out its functions[~~+~~];

22 and

23 (vi) shall undertake a review of cesarean births at hospitals in the  
24 state. The council shall issue a final report and make recommendations  
25 to reduce the rate of cesarean births in the state. The council shall  
26 consider factors including, but not limited to: the primary and repeat  
27 cesarean birth rates among hospitals in the state; the hospitals in the  
28 state that allow or encourage vaginal births after cesarean births; the  
29 rate of vaginal births after cesarean births among hospitals in the  
30 state; the rate of vaginal births after cesarean births that were  
31 offered by hospitals in the state but declined by the birthing person;  
32 the rate of vaginal births after cesarean births that were attempted but  
33 failed among hospitals in the state; the time of day unplanned cesarean  
34 births occur in hospitals, and whether such correlates with the rate of  
35 cesarean births in a hospital; the number of birthing people who elect  
36 to have midwives attend labor and delivery in hospitals in the state;  
37 the frequency of midwifery care during labor in hospitals across the  
38 state and what impact, if any, this has on the rate of cesarean births;  
39 and the number of birthing people who were informed by their health care  
40 provider about the potential risks, benefits, and alternatives related  
41 to cesarean births before labor.

42 (d) The members of the council shall be comprised of multidisciplinary  
43 experts including two licensed midwives and lay persons knowledgeable in  
44 the field of maternal mortality, women's health and public health and  
45 shall include members who serve and are representative of the racial,  
46 ethnic, and socioeconomic diversity of the women and mothers of the  
47 state, and to the extent possible, the medically underserved areas of  
48 the state or areas of the state with disproportionately high occurrences  
49 of maternal mortality or morbidity.

50 § 4. This act shall take effect immediately.