

STATE OF NEW YORK

2794

2023-2024 Regular Sessions

IN ASSEMBLY

January 27, 2023

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

AN ACT to amend the public health law, in relation to requiring the department of health to develop and maternal health care providers to distribute written information about episiotomy to maternity patients

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 2500-m to read as follows:

3 § 2500-m. Duty of providers of maternity services to inform. 1. (a)
4 Every maternal health care provider shall provide the written communi-
5 cation established in subdivision two of this section prior to delivery
6 to each pregnant patient for whom a vaginal delivery is planned.

7 (b) Every maternal health care provider who attends to a vaginal
8 delivery which was not planned prenatally shall provide the written
9 communication established in subdivision two of this section to the
10 patient following delivery.

11 (c) As used in this section: "maternal health care provider" or
12 "provider" shall mean a physician, midwife, nurse practitioner, or
13 physician assistant, acting within the practitioner's scope of practice,
14 managing the pregnancy or labor of a pregnant patient.

15 2. (a) The commissioner shall develop a written communication or
16 communications for maternal health care providers to distribute to
17 maternity patients as required in subdivision one of this section, which
18 contains information about episiotomy. The commissioner shall consult
19 with appropriate health care professionals, providers, consumers, educa-
20 tors and patients or organizations representing them, including but not
21 limited to the American College of Obstetricians and Gynecologists and
22 the New York State Association of Licensed Midwives to develop such
23 written communication or communications.

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

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1 (b) Such written communication or communications shall include, but
2 not be limited to information on:
3 i. potential maternal injuries associated with episiotomy;
4 ii. the impact an episiotomy may have on future deliveries;
5 iii. circumstances in which episiotomy may be necessary to save the
6 life or protect the health of the mother or fetus; and
7 iv. the general requirement that an episiotomy may only be done with
8 the patient's consent and the circumstances in which an episiotomy may
9 be done without patient consent.

10 (c) The commissioner shall ensure that all information included in the
11 written communication or communications are maintained and updated to
12 reflect current clinical guidelines.

13 § 2. This act shall take effect on the one hundred eightieth day after
14 it shall have become a law. Effective immediately, the commissioner of
15 health shall make regulations and take other actions reasonably neces-
16 sary to implement this act on that date.