STATE OF NEW YORK

5297--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 7, 2023

Introduced by M. of A. PAULIN, L. ROSENTHAL, RAGA, GONZALEZ-ROJAS, SIMONE, McMAHON, SEAWRIGHT, ARDILA, LUNSFORD, LAVINE, SIMON, SHIMSKY, LEVENBERG, FAHY, BURDICK, EPSTEIN, TAPIA -- read once and referred to the Committee on Health -- reported and referred to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to prohibited hospital interference with patient care

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

Section 1. The public health law is amended by adding a new section 2831 to read as follows:

§ 2831. Interference with care; prohibited. 1. Except as provided in subdivision two of this section, if a health care practitioner licensed pursuant to title eight of the education law is acting in good faith, within the practitioner's scope of practice, and within the relevant standard of care, a hospital shall not:

(a) Limit the health care practitioner's provision of medically accurate and comprehensive information and resources to a patient regarding the patient's health status including, but not limited to, diagnosis, prognosis, recommended treatment, treatment alternatives, information about available services and where and how to obtain them, and any potential risks to the patient's health or life; or

(b) Prohibit the health care practitioner from providing health care services related to complications of pregnancy, including but not limited to health services related to miscarriage management and treatment for ectopic pregnancies, in cases in which failure to provide the service would violate the accepted standard of care or when the patient presents a medical condition manifesting itself by acute symptoms of

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

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sufficient severity such that the absence of medical attention could reasonably be expected to pose a risk:

i. to the patient's life; or

ii. of irreversible complications or impairment to the patient's bodily functions or any bodily organ or part.

2. Nothing in this section prohibits a hospital from limiting a health care provider's practice to protect patients' physical safety.

3. A health care entity shall not discharge, demote, suspend, discipline, discriminate or otherwise retaliate against a health care practitioner for engaging in communications or providing services consistent with this section.

4. The department shall design, prepare, and make available online written materials to clearly inform health care practitioners and staff of the provisions of this section.

§ 2. If any clause, sentence, paragraph, section or part of this act be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof but shall be applied in its operation to the clause, sentence, paragraph, section or part hereof directly involved in the controversy in which such judgment shall have been rendered.

§ 3. This act shall take effect immediately.