STATE OF NEW YORK

2463--A

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sens. PERSAUD, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to directing the department of health to create an informational pamphlet regarding the laparoscopic power morcellation surgery technique

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 2504-c to read as follows:

§ 2504-c. Information concerning laparoscopic power morcellation surgery technique. 1. On or before July first, two thousand twenty-four, the department shall develop an informative pamphlet for patients considering going through the laparoscopic power morcellation surgery technique. In developing the pamphlet, the department shall consult with state professional societies representing physicians in general, obstetricians and gynecologists, family practice physicians, nurse practitioners, physician assistants and midwives. The pamphlet shall include, but not be limited to, information concerning:

(a) What the laparoscopic power morcellation surgery is defined as, what the risks and benefits are, and how it is performed;

(b) If applicable, a description of other relevant procedures and techniques that may be applicable to the patient such as the hysteroscopic morcellation technique;

(c) The requirement of screening the patient for cancers including, but not limited to: uterine myoma, endometrial stromal sarcoma (ESS) and leiomyosarcoma, prior to undergoing laparoscopic surgery;

(d) Privacy expectations, including that privacy should be provided for the patient both when undressing and dressing and that a gown or a drape should be provided;

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

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(e) If laparoscopic hysterectomy, which is a surgical procedure used to remove the uterus, or myomectomy hysterectomy, which is a surgical procedure used to remove the fibroids, is recommended, then the provider shall inform the patient if power morcellation will be used and why it is the best option for this exact case;

(f) An explanation of what the laparoscopic power morcellation is and what it is used for;

(g) Explicitly mentioning and explaining the possibility that this procedure may spread cancer cells that have not been detected, include all the options to treat the condition, including the risks and benefits of each option;

(h) That gloves should be worn by the practitioner during the procedure; and

(i) A telephone number for the office of professional medical conduct in the department and the office of the professions in the state education department, at which a patient may report any misconduct that the patient feels may have occurred.

2. The informational pamphlet shall be made available for use by practitioners. The informational pamphlet shall be posted as a printable file on the department's internet website and may also be made available for order as a printed deliverable on the department's internet website.

3. The informational pamphlet shall be written in layperson's language and shall be made available in English and the six most common non-English languages spoken by individuals with limited English proficiency in New York state as based on the most recent census.

4. A practitioner may provide the patient the informational pamphlet developed pursuant to this section prior to performing laparoscopic power morcellation surgery.

5. For purposes of this section, "practitioner" means a health care professional licensed, certified, or otherwise authorized to practice under the education law, acting within the scope of practice.

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