STATE OF NEW YORK

3451

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

Introduced by Sens. RIVERA, CLEARE, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to certification of fetal death certificates by a midwife or physician assistant

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

Section 1. Section 4161 of the public health law, as amended by chapter 436 of the laws of 1967, the section heading and subdivisions 2 and 3 as amended by chapter 153 of the laws of 2011, subdivisions 1 and 4 as amended by chapter 352 of the laws of 2013, is amended to read as follows:

§ 4161. Fetal death certificates; form and content[~~; physicians, nurse practitioners, midwives, and hospital administrators~~]. 1. The certificate of fetal death and the report of fetal death shall contain such information and be in such form as the commissioner may prescribe; provided however that commencing on or after the implementation date under section forty-one hundred forty-eight of this article, information and signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this article, except that unless requested by the woman neither the certificate nor the report of fetal death shall contain the name of the woman, her social security number or any other information which would permit her to be identified except as provided in this subdivision. The report shall state that a certificate of fetal death was filed with the commissioner and the date of such filing. The commissioner shall develop a unique, confidential identifier to be used on the certificate of fetal death to be used in connection with the exercise of the commissioner's authority to monitor the quality of care provided by any individual or entity licensed to perform an abortion in this state and to permit coordination of data concerning the medical history of the woman for purposes of conducting surveillance scientific studies and research

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

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pursuant to the provisions of paragraph (j) of subdivision one of section two hundred six of this chapter.

2. In each case where a physician [~~or~~], nurse practitioner, midwife, or physician assistant was in attendance at or after a fetal death, it is the duty of such [~~physician or nurse~~] practitioner to certify to the birth and to the cause of death on the fetal death certificate. [~~Where a nurse-midwife was in attendance at a fetal death it is the duty of such nurse-midwife to certify to the birth but, he or she shall not certify to the cause of death on the fetal death certificate.~~]

3. Fetal deaths occurring without the attendance of a [~~physician or nurse~~] practitioner as provided in subdivision two of this section shall be treated as deaths without medical attendance, as provided in this article.

4. When a fetal death occurs in a hospital, except in those cases where certificates are issued by coroners or medical examiners, the person in charge of such hospital or his or her designated representative shall promptly present the certificate to the physician [~~or~~], nurse practitioner, midwife, or physician assistant in attendance, or a physician [~~or~~], nurse practitioner, midwife, or physician assistant acting in his or her behalf, who shall promptly certify to the facts of birth and of fetal death, provide the medical information required by the certificate, sign the medical certificate of birth and death, and thereupon return such certificate to such person, so that the seventy-two hour registration time limit prescribed in section four thousand one hundred sixty of this title can be met; provided, however that commencing on or after the implementation date under section forty-one hundred forty-eight of this article, information and signatures required by this subdivision shall be obtained and made in accordance with section forty-one hundred forty-eight of this article.

§ 2. This act shall take effect immediately.