

STATE OF NEW YORK

6717--A

Cal. No. 1497

2025-2026 Regular Sessions

IN SENATE

March 20, 2025

Introduced by Sens. BAILEY, BROUK, COMRIE, FERNANDEZ, LIU, MURRAY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged and said bill committed to the Committee on Rules -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public health law and the administrative code of the city of New York, in relation to establishing fetal and infant mortality review boards

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 2509-b to read as follows:

3 § 2509-b. Fetal and infant mortality review board. 1. For the purposes
4 of this section, unless the context requires otherwise:

5 (a) "Board" means a fetal and infant mortality review board estab-
6 lished by this section, referred to in this section as the "state
7 board", or a board operating under this section established by the city
8 of New York, with or without an agreement with the commissioner,
9 referred to in this section as the "city board".

10 (b) "Fetal and infant death" means pregnancy loss that ends in still-
11 birth or infant deaths within one year of birth.

12 (c) "Severe fetal and infant morbidity" or "morbidity" means unantic-
13 ipated outcomes of pregnancy, labor, or delivery that result in signif-
14 icant short- or long-term consequences to a child's health.

15 (d) "City commissioner" means the commissioner of the New York city
16 department of health and mental hygiene.

17 2. (a) There is hereby established in the department the fetal and
18 infant mortality review board for the purpose of reviewing fetal and
19 infant deaths and fetal and infant morbidity and developing and dissem-
20 inating findings, recommendations, and best practices to contribute to

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

LBD05162-03-5

1 the prevention of fetal and infant mortality and morbidity. The board
2 shall assess the cause of death, factors leading to death and preventa-
3 bility for each fetal and infant death reviewed and, in the discretion
4 of the board, cases of severe fetal and infant morbidity, and shall
5 develop and disseminate strategies for reducing the risk of fetal and
6 infant mortality and morbidity, including risk resulting from racial,
7 economic, or other disparities. The commissioner may delegate the
8 authority to conduct fetal and infant mortality reviews.

9 (b) The commissioner may enter into an agreement with the city of New
10 York providing:

11 (i) that the functions of the state board relating to fetal and infant
12 deaths and severe fetal and infant morbidity occurring within the city
13 of New York shall be conducted by the city board;

14 (ii) the city board shall provide to the state board the results of
15 its reviews, relevant information in the possession of the city board,
16 and the recommendations of the city board; and

17 (iii) the department and the state board shall provide information and
18 assistance to the city board for the performance of its functions.

19 (c) Nothing in this section shall prevent the city of New York from
20 establishing, without an agreement with the commissioner, a board relat-
21 ing to fetal and infant deaths and severe fetal and infant morbidity
22 occurring within the city of New York.

23 3. (a) The members of the state board shall be comprised of multidis-
24 ciplinary experts in the field of fetal and infant mortality, fetal,
25 neonatal and infant health and public health, maternal health, obstet-
26 rics and gynecology, and shall include health care professionals or
27 other experts who serve and are representative of the racial, ethnic,
28 and socioeconomic diversity of the state and, to the extent possible,
29 the medically underserved areas of the state or areas of the state with
30 disproportionately high occurrences of fetal and infant mortality or
31 morbidity.

32 (b) The state board shall be composed of nine members, appointed as
33 follows: three members shall be appointed by the governor; two
34 members shall be appointed by the speaker of the assembly; two members
35 shall be appointed by the temporary president of the senate; one member
36 shall be appointed by the minority leader of the senate; and one
37 member shall be appointed by the minority leader of the assembly.

38 (c) The terms of the state board members shall be three years. The
39 commissioner may choose to reappoint state board members to additional
40 three-year terms.

41 (d) A majority of the appointed membership of the state board, but no
42 less than five, shall constitute a quorum.

43 (e) When any member of the state board fails to attend three consec-
44 utive regular meetings, unless good cause is shown for such absence,
45 that membership may be deemed vacant for purposes of the appointment of
46 a successor.

47 (f) Meetings of the state board shall be held at least twice a year
48 but may be held more frequently as deemed necessary, subject to request
49 of the department.

50 (g) Members of the state and city boards shall be indemnified under
51 section seventeen of the public officers law or section fifty-k of the
52 general municipal law, as the case may be.

53 (h) Members of the state board shall not be compensated for their
54 participation on the board but shall receive reimbursement for their
55 ordinary and necessary expenses of participation.

1 (i) Membership on a board shall not disqualify any person from holding
2 any public office or employment.

3 4. (a) The commissioner may request and shall receive upon request
4 from any department, division, board, bureau, commission, local health
5 departments or other agency of the state or political subdivision there-
6 of or any public authority, such information, including but not limited
7 to death records, medical records, autopsy reports, toxicology reports,
8 hospital discharge records, birth records and any other information that
9 will help the department under this section to properly carry out its
10 functions, powers and duties. The commissioner, or the city commissioner
11 for the fetal and infant deaths or fetal and infant morbidity occurring
12 within the vital statistics registration district of the city of New
13 York, may request and shall receive upon request from any department,
14 division, board, commission or other agency under the authority of the
15 city of New York as well as hospitals established pursuant to article
16 twenty-eight of this chapter, birthing facilities, medical examiners,
17 coroners and coroner physicians and any other facility providing
18 services associated with fetal and infant mortality or fetal and infant
19 morbidity, such information, including, but not limited to, death
20 records, medical records, autopsy reports, toxicology reports, hospital
21 discharge records, birth records and any other information that will
22 help the department under this section to properly carry out its func-
23 tions, powers and duties.

24 (b) The commissioner and the city commissioner shall receive and may
25 solicit voluntary information, including oral or written statements,
26 relating to any fetal and infant death and case of severe fetal and
27 infant morbidity, from any family member or other interested party
28 relating to any case that may come before the board. Oral statements
29 received under this paragraph shall be transcribed or summarized in
30 writing. The commissioner and the city commissioner shall transmit that
31 information to the board considering the case.

32 (c) Before transmitting any information to the board, the commissioner
33 or the city commissioner shall remove all personal identifying informa-
34 tion of the fetus or infant, individuals experiencing pregnancy loss or
35 parents of infant, health care practitioner or practitioners, or anyone
36 else individually named in such information, as well as the hospital or
37 facility that treated the fetus or infant, and any other information
38 such as geographic location that may inadvertently identify the fetus or
39 infant, practitioner, or facility.

40 (d) Information received or transmitted under this section is not
41 admissible in any civil, administrative, criminal, or family court
42 proceeding that seeks to punish or prosecute the pregnant or birthing
43 person and shall not be used as a basis of a report to the statewide
44 central register of child abuse and maltreatment.

45 5. Each board:

46 (a) shall collect and perform case reviews of fetal and infant deaths;

47 (b) shall make and report findings and recommendations to the commis-
48 sioner, and in the case of the city board to the commissioner and the
49 city commissioner regarding the cause of death, factors leading to
50 death, and preventability of each fetal or infant death case, and each
51 case of severe fetal or infant morbidity reviewed by the board, by
52 reviewing relevant information for each case in the state or the city of
53 New York, as the case may be, and consulting with experts as needed to
54 evaluate the information for each death; provided that no information
55 which, alone or in combination, would permit an individual who experi-
56 enced a pregnancy loss or infant death to be identified may be requested

1 or shared with consulting experts, and that information reviewed or
2 findings made by the board shall not be admissible in any civil, admin-
3 istrative, criminal, or family court proceeding and shall not be used as
4 a basis of a report to the statewide central register of child abuse and
5 maltreatment;

6 (c) shall develop and deliver to the commissioner, and in the case of
7 the city board to the commissioner and the city commissioner for areas
8 of focus, recommendations on:

9 (i) issues of severe fetal and infant morbidity;

10 (ii) addressing social determinants of fetal and infant health,
11 including racial, economic or other historical and contemporary injus-
12 tices which lead to disparities in fetal and infant outcomes;

13 (iii) policies, best practices, and strategies to reduce fetal and
14 infant mortality and morbidity;

15 (iv) methods of improving services and resources; and

16 (v) methods of implementing continuous quality improvement in fetal
17 and infant mortality and morbidity;

18 (d) shall issue an annual public report on its findings and recommen-
19 dations and may also issue public reports more frequently;

20 (e) shall identify and address systemic community conditions contrib-
21 uting to fetal and infant deaths;

22 (f) shall implement a surveillance system to monitor incidence, etiol-
23 ogies, and contributing factors and which can describe effects of health
24 care system change;

25 (g) shall identify system wide challenges to improving fetal and
26 infant health care;

27 (h) may, in addition to the findings and recommendations made under
28 this subdivision, and consistent with all applicable confidentiality
29 protections, bring any particular matter to the attention of the commis-
30 sioner or the city commissioner, and in the case of the city board to
31 the commissioner and the city commissioner; and

32 (i) may request and shall receive the assistance of the commissioner
33 in the instance of the state board and the city commissioner in the
34 instance of the city board in carrying out its functions.

35 6. The commissioner and the city commissioner and the state and city
36 boards shall each keep confidential any information collected or
37 received under this section that includes personal identifying informa-
38 tion of the fetus or infant, fetus or infant's parents, health care
39 practitioner or practitioners, or anyone else individually named in such
40 information, as well as the hospital or facility that treated the fetus
41 or infant, and any other information such as geographic location that
42 may inadvertently identify the fetus or infant, the fetus or infant's
43 parents, practitioner, or facility, and shall use the information
44 provided or received under this section solely for the purposes of
45 improvement of the quality of fetal and infant health care and to
46 prevent fetal and infant mortality and morbidity. This subdivision shall
47 not preclude the transmitting of information to the board that is
48 reasonably necessary to enable the board to perform an appropriate
49 review under this section. All records received, meetings conducted,
50 reports, except those public reports required to be issued by the board
51 by this section, and records made and maintained and all books and
52 papers obtained by the board shall be confidential and shall not be made
53 open or available, including under article six of the public officers
54 law, and shall be limited to board members as well as those authorized
55 by the commissioner or city commissioner. Such information shall not be

1 discoverable or admissible as evidence in any action in any court or
2 before any other tribunal, board, agency or person.

3 7. The commissioner and the city commissioner, within their respective
4 legal authority, may use the recommendations and findings of the boards
5 to develop guidance and other actions relating to best practices, and
6 shall disseminate information relating to that guidance and other
7 actions to appropriate health care providers.

8 § 2. The administrative code of the city of New York is amended by
9 adding a new section 17-166.1 to read as follows:

10 § 17-166.1 Fetal and infant mortality review board. a. For the
11 purposes of this section, unless the context requires otherwise:

12 (1) "Review board" means the fetal and infant mortality review board
13 established by this section.

14 (2) "Fetal and infant death" means pregnancy loss that ends in still-
15 birth or infant deaths within one year of birth.

16 (3) "Severe fetal and infant morbidity" or "morbidity" means unantic-
17 ipated outcomes of pregnancy, labor, or delivery that result in signif-
18 icant short- or long-term consequences to a child's health.

19 b. There is hereby established in the department the fetal and infant
20 mortality review board for the purpose of reviewing fetal and infant
21 deaths and fetal and infant morbidity and developing and disseminating
22 findings, recommendations, and best practices to contribute to the
23 prevention of fetal and infant mortality and morbidity. The review
24 board shall assess the cause of death, factors leading to death and
25 preventability for each fetal and infant death reviewed and, in the
26 discretion of the review board, cases of severe fetal and infant
27 morbidity, and shall develop and disseminate strategies for reducing
28 the risk of fetal and infant mortality and morbidity, including
29 risk resulting from racial, economic, or other disparities. The
30 commissioner may delegate the authority to conduct fetal and infant
31 mortality reviews.

32 c. (1) The members of the review board shall be comprised of multidis-
33 ciplinary experts in the field of fetal and infant mortality, fetal,
34 neonatal and infant health and public health, maternal health, obstet-
35 rics and gynecology, and shall include health care professionals or
36 other experts who serve and are representative of the racial, ethnic,
37 and socioeconomic diversity of the city of New York and, to the extent
38 possible, the medically underserved areas of the city of New York or
39 areas of the city of New York with disproportionately high occurrences
40 of fetal and infant mortality or morbidity.

41 (2) The review board shall be composed of nine members, all of whom
42 shall be appointed by the commissioner.

43 (3) The terms of the review board members shall be three years. The
44 commissioner may choose to reappoint review board members to additional
45 three-year terms.

46 (4) A majority of the appointed membership of the review board, but no
47 less than five, shall constitute a quorum.

48 (5) When any member of the review board fails to attend three consec-
49 utive regular meetings, unless good cause is shown for such absence,
50 that membership may be deemed vacant for purposes of the appointment of
51 a successor.

52 (6) Meetings of the review board shall be held at least twice a year
53 but may be held more frequently as deemed necessary, subject to request
54 of the department.

1 (7) Members of the review board shall be indemnified under section
2 seventeen of the public officers law or section fifty-k of the general
3 municipal law, as the case may be.

4 (8) Members of the review board shall not be compensated for their
5 participation on the review board but shall receive reimbursement for
6 their ordinary and necessary expenses of participation.

7 (9) Membership on the review board shall not disqualify any person
8 from holding any public office or employment.

9 d. (1) The commissioner may request and shall receive upon request
10 from any department, division, board, bureau, commission, local health
11 department or other agency of the state or political subdivision thereof
12 or any public authority, such information, including but not limited to
13 death records, medical records, autopsy reports, toxicology reports,
14 hospital discharge records, birth records and any other information that
15 will help the department under this section to properly carry out its
16 functions, powers and duties. The commissioner may request and shall
17 receive upon request from any department, division, board, commission or
18 other agency under the authority of the city of New York as well as
19 hospitals established pursuant to article twenty-eight of the public
20 health law, birthing facilities, medical examiners, coroners and coroner
21 physicians and any other facility providing services associated with
22 fetal and infant mortality or fetal and infant morbidity, such informa-
23 tion, including, but not limited to, death records, medical records,
24 autopsy reports, toxicology reports, hospital discharge records, birth
25 records and any other information that will help the department under
26 this section to properly carry out its functions, powers and duties.

27 (2) The commissioner shall receive and may solicit voluntary informa-
28 tion, including oral or written statements, relating to any fetal and
29 infant death and case of severe fetal and infant morbidity, from any
30 family member or other interested party relating to any case that may
31 come before the review board. Oral statements received under this para-
32 graph shall be transcribed or summarized in writing. The commissioner
33 shall transmit that information to the review board considering the
34 case.

35 (3) Before transmitting any information to the review board, the
36 commissioner shall remove all personal identifying information of the
37 fetus or infant, individuals experiencing pregnancy loss or parents of
38 the infant, health care practitioner or practitioners, or anyone else
39 individually named in such information, as well as the hospital or
40 facility that treated the fetus or infant, and any other information
41 such as geographic location that may inadvertently identify the fetus or
42 infant, fetus or infant's family, practitioner, or facility.

43 (4) Information received or transmitted under this section is not
44 admissible in any civil, administrative, criminal, or family court
45 proceeding that seeks to punish or prosecute the pregnant or birthing
46 person and shall not be used as a basis of a report to the Statewide
47 Central Register of Child Abuse and Maltreatment.

48 e. The review board:

49 (1) shall collect and perform case reviews of fetal and infant deaths;

50 (2) shall make and report findings and recommendations to the commis-
51 sioner regarding the cause of death, factors leading to death, and
52 preventability of each fetal or infant death case, and each case of
53 severe fetal or infant morbidity reviewed by the review board, by
54 reviewing relevant information for each case in the city of New York and
55 consulting with experts as needed to evaluate the information for each
56 death provided that no information which, alone or in combination, would

1 permit an individual who experienced a pregnancy loss or infant death to
2 be identified may be requested or shared with consulting experts, and
3 that information reviewed or findings made by the board shall not be
4 admissible in any civil, administrative, criminal, or family court
5 proceeding and shall not be used as a basis of a report to the Statewide
6 Central Register of Child Abuse and Maltreatment;

7 (3) shall develop and deliver to the commissioner recommendations on:

8 (A) issues of severe fetal and infant morbidity;

9 (B) addressing social determinants of fetal and infant health, includ-
10 ing racial, economic or other historical and contemporary injustices
11 which lead to disparities in fetal and infant outcomes;

12 (C) policies, best practices, and strategies to reduce fetal and
13 infant mortality and morbidity;

14 (D) methods of improving services and resources; and

15 (E) methods of implementing continuous quality improvement in fetal
16 and infant mortality and morbidity;

17 (4) shall issue an annual public report on its findings and recommen-
18 dations and may also issue public reports more frequently;

19 (5) shall identify and address systemic community conditions contrib-
20 uting to fetal and infant deaths;

21 (6) shall implement a surveillance system to monitor incidence, etiol-
22 ogies, and contributing factors and which can describe effects of health
23 care system change;

24 (7) shall identify system wide challenges to improving fetal and
25 infant health care;

26 (8) may, in addition to the findings and recommendations made under
27 this subdivision, and consistent with all applicable confidentiality
28 protections, bring any particular matter to the attention of the commis-
29 sioner; and

30 (9) may request and shall receive the assistance of the commissioner
31 in carrying out its functions.

32 f. The commissioner and the review board shall each keep confidential
33 any information collected or received under this section that includes
34 personal identifying information of the fetus or infant, the fetus or
35 infant's parents, health care practitioner or practitioners, or anyone
36 else individually named in such information, as well as the hospital or
37 facility that treated the fetus or infant, and any other information
38 such as geographic location that may inadvertently identify the fetus or
39 infant, the fetus or infant's parents, practitioner, or facility, and
40 shall use the information provided or received under this section solely
41 for the purposes of improvement of the quality of fetal and infant
42 health care and to prevent fetal and infant mortality and morbidity.
43 This subdivision shall not preclude the transmitting of information to
44 the review board that is reasonably necessary to enable the review board
45 to perform an appropriate review under this section. All records
46 received, meetings conducted, reports, except those public reports
47 required to be issued by the review board by this section, and records
48 made and maintained and all books and papers obtained by the review
49 board shall be confidential and shall not be made open or available,
50 including under article six of the public officers law, and shall be
51 limited to review board members as well as those authorized by the
52 commissioner. Such information shall not be discoverable or admissible
53 as evidence in any action in any court or before any other tribunal,
54 board, agency or person.

55 g. The commissioner may use the recommendations and findings of the
56 review board to develop guidance and other actions relating to best

1 practices, and shall disseminate information relating to that guidance
2 and other actions to appropriate health care providers.

3 § 3. This act shall take effect one year after it shall have become a
4 law.