

MEDICAL SOCIETY of the STATE OF NEW YORK

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MEMORANDUM IN OPPOSITION

On Senate Committee on
Women's Issues Agenda

S.2888 (Salazar)

Passed Assembly

A. 318 (Paulin)

An act to amend the public health law, in relation to informing maternity patients about the risks associated with cesarean section

This bill would require physicians and other health care providers to provide maternity patients about the risks associated with Cesarean section. **The Medical Society of the State of New York is opposed to this measure.**

The Medical Society of the State of New York supports educational efforts to ensure that women understand all health care options, including having a Cesarean section. All physicians utilize informed consent about procedures including this procedure. This legislation would require written communication to every pregnant woman for whom the maternal health care provider recommends a primary cesarean section delivery and to provide the justification and the risks and benefits for the primary cesarean section delivery. The Medical Society of the State of New York believes this measure interferes with the physician-patient relationship and with the clinical judgement of the physician.

The Medical Society is also troubled by the specificity of the language of this bill when detailing the patient's risks and benefits of cesarean. It does not take into consideration that each patient is an individual who may have different risk factors and health needs. The terminology of the bill is also not consistent with the typical medical practice. Under this measure, physicians would be trying to obtain consent for the procedure, but would be forced legislatively to use inaccurate language.

The Medical Society is also troubled by the proliferation here in New York State, and nationally, calling for legislation requiring educational information that physicians will need to cite that pertains to women's health issues. Nationally, a disproportionate number of these bills apply only to physicians when they are treating pregnant women. Furthermore, states have gagged or coerced physician communications for politicized public health issues. This measure mandates physicians to provide "a script" that may not comply with the latest medical evidence on Cesarean section. To target pregnant women during their pregnancy will only lead to fear and distrust of the physician and other health care system. Interference in the patient-physician relationship, by the New York State Legislature, will only cause harm to the system.

The Medical Society of the State of New York is opposed to this measure and urges that it not be passed.

Respectfully Submitted,

MSSNY Division of Governmental

Affairs

PFC/Oppose
2/8/19