

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 30

Introduced by Council Members Rosenthal, the Public Advocate (Mr. Williams), Chin, Louis, Rivera, Cumbo, Kallos, Levine, Ayala, Adams, Rose, Barron, Cornegy, Brannan, Constantinides, Menchaca, Koslowitz, Lander, Gibson, Van Bramer, Treyger, Ampry-Samuel, D. Diaz, Reynoso, Powers, Eugene, Rodriguez and Dromm.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to the creation of an advisory board for gender and racial equity in hospitals

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.15 to read as follows:

§ 17-199.15 Gender and racial equity advisory board. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Covered health care services. The term “covered health care services” means professional medical services by primary care practitioners, including preventive, primary, diagnostic and specialty services; diagnostic and laboratory services, including therapeutic radiological services; prescription drugs, excluding drugs for uncovered services; and any other services determined by the department.

Direct care worker. The term “direct care worker” means any employee of a hospital that is responsible for patient handling or patient assessment as a regular or incident part of their employment, including any licensed or unlicensed health care worker.

Doctor. The term “doctor” means a practitioner of medicine licensed to practice medicine pursuant to article 131 of the education law.

Hospital. The term “hospital” means an institution or facility operating in New York city possessing a valid operating certificate issued pursuant to article 28 of the public health law.

Nurse. The term “nurse” means a practitioner of nursing licensed to practice nursing pursuant to article 139 of the education law.

Physician assistant. The term “physician assistant” means a person licensed as a physician assistant pursuant to article 131-b of the New York state education law.

b. There shall be a gender and racial equity advisory board to advise the mayor and the council on issues relating to gender and racial equity in the provision of covered health care services and healthcare services in hospitals. Factors that such advisory board may consider include, but need not be limited to:

1. Factors that contribute to gender and racial inequity in hospitals and other covered health care services, especially in relation to employment decisions and patient care, including but not limited to factors that result in observed disparate patient treatment and outcomes;

2. Existing protocols hospitals and other covered health care services use to address such inequity, including, but not limited to, actions taken by hospital and health care leadership to promote gender and racial equity for hospital and health care staff;

3. Recommended measures to address gender and racial inequity in hospitals and other covered health care services; and

4. Methods for raising awareness about gender and racial inequity in hospitals and other covered health care services and ways to address it at the local, state and national levels, including but not limited to strategies to support legislation addressing such inequity.

c. The advisory board shall consist of 13 members, as follows:

1. The speaker of the council or their designee;

2. The commissioner of the department or their designee;

3. The executive director of the commission on gender equity or their designee;

4. The chair of the New York city commission on human rights or their designee;

5. Executive Director of NYC Unity Project or their designee;

6. Eight public members, seven of whom shall be appointed by the mayor and one of whom shall be appointed by the speaker of the council. Public members shall represent a diverse range of individuals, of whom:

(a) at least two members shall represent advocates who specialize in gender equity;

(b) at least two members shall represent advocates who specialize in racial equity;

(c) at least two members shall be representatives from labor unions representing nurses, doctors, physician assistants or direct care workers employed by a hospital;

(d) at least one member shall be a representative from a labor union representing interns and residents; and

(e) at least one member shall be a representative from a trade association representing hospitals.

d. The advisory board shall hold its first meeting no later than 60 days from the appointment of all its public members and at such meeting shall elect a chairperson.

e. The advisory board shall meet quarterly and keep a record of its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the board. Written notice of the time and place of such special meetings shall be given to each member at least two weeks before the date fixed by the notice for such special meeting.

f. No later than December 1, 2021, and annually on December 1 thereafter, the advisory board shall submit to the mayor and the speaker of the council; post on the department's website; and share with a trade association representing hospitals, for distribution to its members operating in New York city, a report including the results of its review and recommendations pursuant to this section.

§ 2. This local law takes effect immediately.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on February 11, 2021 and returned unsigned by the Mayor on March 15, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 30 of 2021, Council Int. No. 2064-A of 2020) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.