

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 703

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 20, 2020

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with committee amendments Senate Bill No. 703.

As amended, this bill would require every hospital that provides inpatient maternity services and every birthing center licensed in the State pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) to implement an evidence-based implicit bias training program for all health professionals who provide perinatal treatment and care to pregnant women at the hospital or birthing center and all administrative and clerical staff members who interact with pregnant women at the hospital or birthing center.

The training program would include, but not be limited to: identifying previous and current unconscious biases and misinformation when providing perinatal treatment and care to, or interacting with, pregnant women; identifying personal, interpersonal, institutional, and cultural barriers to inclusion; information about the effects of historical and contemporary exclusion and oppression of minority communities; information about cultural identity across racial and ethnic groups; information about communicating more effectively across racial, ethnic, religious, and gender identities; information about reproductive justice; discussions on power dynamics and organizational decision-making and their effects on implicit bias, and on health inequities and racial and ethnic disparities within the field of perinatal care, and how implicit bias may contribute to pregnancy-related deaths and maternal and infant health outcomes; and corrective measures to decrease implicit bias at the interpersonal and institutional levels.

A health care professional who provides perinatal treatment and care to, and an administrative or clerical staff member who interacts with, pregnant women at a hospital or birthing center would be required to complete the training program and a refresher course, every two years. The refresher course would be designed to provide the health care professional with updated information about racial, ethnic, and cultural identity, and best practices in decreasing

interpersonal and institutional implicit bias. Upon successful completion of the training program, the health care professional or administrative or clerical staff member would receive a certification from the hospital or birthing center.

Under the bill, a hospital or birthing center that implements an implicit bias training program is to ensure that the program is structured in a manner that permits health care professionals to be eligible to receive continuing education credits for participation in the program

As amended, the bill establishes a requirement for physicians, physician assistants, and nurses who provide prenatal or perinatal care to pregnant women to complete one credit of continuing education in implicit bias training, which implicit bias training course is to meet the requirements for an implicit bias training course required for physicians and staff providing perinatal care in a hospital or birthing center. A health care professional who completes a continuing education course in implicit bias training will be deemed to have satisfied the implicit bias training requirement required for health care professionals providing perinatal care in a hospital or birthing center.

As defined in the bill, “implicit bias” means a bias in judgment or behavior that results from subtle cognitive processes, including implicit prejudice and implicit stereotypes, that often operate at a level below conscious awareness and without intentional control. “Implicit stereotypes” means the unconscious attributions of particular qualities to a member of a certain social group, influenced by experience, and based on learned associations between various qualities and social categories, including race and gender.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments require that all administrative and clerical staff members at a hospital or birthing center who interact with pregnant women will be required to complete the implicit bias training program and a refresher course. As introduced, the bill limited the implicit bias training requirement to health professionals.

The committee amendments provide that a hospital or birthing center that implements an implicit bias training program is to ensure that the program is structured in a manner that permits health care professionals to be eligible to receive continuing education credits for participation in the program.

The committee amendments establish a new continuing education requirement for physicians, physician assistants, and

nurses who provide prenatal or perinatal care to pregnant women which will comprise one credit of implicit bias training that meets the requirements for an implicit bias training course established under the bill. A health care professional who completes a continuing education course in implicit bias training will be deemed to have satisfied the implicit bias training requirement for hospitals and birthing centers for the licensure or certification period in which the continuing education credit was completed.

The committee amendments revise the rulemaking provision in the bill require that the Director of the Division of Consumer Affairs in the Department of Law and Public Safety, in addition to the Department of Health, adopt rules and regulations to effectuate the purposes of the bill.