

SENATE, No. 703

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator M. TERESA RUIZ

District 29 (Essex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

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SYNOPSIS

Requires certain health care professionals to undergo implicit bias training.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 7/22/2020)

1 AN ACT concerning implicit bias training and supplementing Title
2 26 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. a. Every hospital that provides inpatient maternity services
8 and every birthing center licensed in the State pursuant to P.L.1971,
9 c.136 (C.26:2H-1 et seq.) shall implement an evidence-based
10 implicit bias training program for all health professionals who
11 provide perinatal treatment and care to pregnant women at the
12 hospital or birthing center.

13 b. The training program shall include, but not be limited to:

14 (1) identifying previous and current unconscious biases and
15 misinformation when providing perinatal treatment and care to
16 pregnant women;

17 (2) identifying personal, interpersonal, institutional, and cultural
18 barriers to inclusion;

19 (3) information on the effects of historical and contemporary
20 exclusion and oppression of minority communities;

21 (4) information about cultural identity across racial and ethnic
22 groups;

23 (5) information about communicating more effectively across
24 racial, ethnic, religious, and gender identities;

25 (6) information about reproductive justice;

26 (7) a discussion on power dynamics and organizational
27 decision-making and their effects on implicit bias;

28 (8) a discussion on health inequities and racial and ethnic
29 disparities within the field of perinatal care, and how implicit bias
30 may contribute to pregnancy-related deaths and maternal and infant
31 health outcomes; and

32 (9) corrective measures to decrease implicit bias at the
33 interpersonal and institutional levels.

34 c. A health care professional who provides perinatal treatment
35 and care to pregnant women at a hospital that provides inpatient
36 maternity services or a birthing center licensed in the State pursuant
37 to P.L.1971, c.136 (C.26:2H-1 et seq.) shall:

38 (1) complete the training program on implicit bias at such times
39 and intervals as the hospital or birthing center shall require;

40 (2) complete a refresher course under the training program,
41 designed to provide the health care professional with updated
42 information about racial, ethnic, and cultural identity, and best
43 practices in decreasing interpersonal and institutional implicit bias,
44 every two years or on a more frequent basis, if deemed necessary by
45 the hospital or birthing center; and

46 (3) receive a certification from the hospital or birthing center
47 upon successful completion of the training program.

1 d. As used in this section:

2 “Implicit bias” means a bias in judgment or behavior that results
3 from subtle cognitive processes, including implicit prejudice and
4 implicit stereotypes, that often operate at a level below conscious
5 awareness and without intentional control.

6 “Implicit stereotypes” means the unconscious attributions of
7 particular qualities to a member of a certain social group,
8 influenced by experience, and based on learned associations
9 between various qualities and social categories, including race and
10 gender.

11

12 2. The Department of Health shall adopt rules and regulations,
13 pursuant to the provisions of the "Administrative Procedure Act,"
14 P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of
15 this act.

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17 3. This act shall take effect on the first day of the sixth month
18 next following the date of enactment.

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STATEMENT

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23 This bill requires every hospital that provides inpatient maternity
24 services and every birthing center licensed in the State pursuant to
25 P.L.1971, c.136 (C.26:2H-1 et seq.) to implement an evidence-
26 based implicit bias training program for all health professionals
27 who provide perinatal treatment and care to pregnant women at the
28 hospital or birthing center.

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

45 A health care professional who provides perinatal treatment and
46 care to pregnant women at a hospital or birthing center would be
47 required to complete the training program and a refresher course,

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1 every two years. The refresher course would be designed to provide
2 the health care professional with updated information about racial,
3 ethnic, and cultural identity, and best practices in decreasing
4 interpersonal and institutional implicit bias. Upon successful
5 completion of the training program, the health care professional
6 would receive a certification from the hospital or birthing center.

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