



BRONX BOROUGH PRESIDENT VANESSA L. GIBSON

The Honorable Kathy Hochul  
Governor of New York  
New York State Capitol Building  
Albany, NY 12224

April 11, 2023

Dear Governor Hochul,

During our annual commemoration of Black Maternal Health Week between April 11-17, I am focused on the women in New York who have lost their lives this past year due to childbirth and pregnancy-related complications. As governor, you have made tackling maternal mortality and morbidity – and promoting women’s health in general – a priority for your administration, and I know that you will continue to champion birthing justice and the rights of vulnerable members of our community. Last year, I sent you a letter advocating for three policy proposals that I believe will help stem the tide of maternal deaths in New York. This year, I am recommending three additional policy proposals regarding the health and well-being of the women of our state.

Since I became Borough President at the start of 2022, I have made supporting birthing individuals in The Bronx a central part of my health agenda. Far too many women are dying or being severely injured during pregnancy and birth. However, this does not affect all women equally. Recently released data shows that, in New York City, Black women are 9.2 times as likely to die due to pregnancy-related causes as White women are. This is an unacceptable disparity, and I am committed to preventing these needless deaths.

Given our status as an epicenter of maternal mortality in New York, I have made birth justice and supporting the community of birth workers here in The Bronx a high priority. Working with the Bronx Maternal Health Consortium and the Bronx Health Link, we are promoting the doulas, midwives, lactation consultants, perinatal educators, and many others who serve at the core of the birth worker community in our borough. Only through the creation of a robust and connected birth

worker network can we be assured that every pregnant woman will be able to deliver her child safely, with a positive outcome for both mother and baby.

Additionally, I was proud to work with partners here in the New York City Council along with the Public Advocate to introduce and pass legislation last summer to improve education regarding the New York City Standards for Respectful Care at Birth that we codified at the local level. This legislation will help women in our city better understand their rights under the law while they are giving birth at any facility. This will inform women how to advocate for themselves with the medical staff assisting them to ensure they have full transparency about any procedures and that they have agency in their decisions pertaining to delivery.

### *Doula Care in New York*

New York State can advance this important work by enacting policies that promote integrating doulas into the birthing process. As patients' birthing advocates, doulas provide crucial support and communication for mothers before, during, and after labor and delivery, and empirical evidence has shown that their intervention can mitigate serious complications. Doulas ensure that women's voices are heard during the process and that their needs, pain management, and well-being are not ignored in the medical setting.

The State Legislature is considering several pieces of legislation that I urge you to support and work with the Legislature to pass and send to you for your signature. Among these bills are:

- S380, sponsored by Senator Cordell Cleare, which would require health insurance policies to include coverage for doula services as part of required maternity care coverage.
- A5958/S1190, sponsored by Assemblymember Michaëlle Solages and Senator Roxanne Persaud, which would include doulas as medical services providers under Medicaid and expand the Medicaid pilot program for doula services statewide.
- A5435/S1867, sponsored by Assemblymember Michaëlle Solages and Senator Samra Brouk, which would create a public community doula directory through the state Department of Health.

- A5465/S1876, sponsored by Assemblymember Michaelle Solages and Senator Samra Brouk, which would create a doula Medicaid working group in order to set reimbursement rates for doulas in the state Medicaid program.
- S5991, sponsored by Senator Roxanne Persaud, which would require healthcare facilities to allow doulas to be present during a cesarean section.
- A6168/S5992, sponsored by Assemblymember Michaelle Solages and Senator Roxanne Persaud, which would require maternal healthcare facilities to provide women access to their doulas.

The passage of these bills will help create a framework for allowing women across New York to have access to doula care before, during, and after childbirth, regardless of their income or how they get insurance coverage. I urge you to support the passage of this legislation.

### *Reproductive Justice*

While maternal mortality – and birthing care in general – is an important aspect of maternal health, there is much more that needs to be done to protect women’s health. Since the Supreme Court’s decision in *Dobbs v. Jackson* last year, we have seen abortion access becoming more severely restricted in states across our country. While we have been fortunate to have strong advocates for reproductive freedom like you in office in New York, the healthcare rights of New York’s women are continually threatened by a resurgent anti-choice movement.

The recent decision by an extreme and lawless judge in Texas to overturn the FDA’s long-standing approval of mifepristone is an affront to common sense and the rights of women across our country. This decision marks a new front in anti-abortion activists’ calculated assault on a woman’s right to control her own body and make her own choices. New York must act to protect access to this essential medication. I stand ready to partner with you to ensure that we enshrine the right to abortion into our state’s constitution and enact protections for medication abortion in state law.

### *Birth Equity for Families of Stillborn Babies*

Lastly, I want to bring to your attention an important gap in the state's family leave program affecting women giving birth. Under current state law, an individual can take family leave as a caregiver of a family member, to bond with a child during the first twelve months after birth or adoption, or for another qualifying reason under the federal Family and Medical Leave Act. However, in the case of a woman who gives birth to a child who is stillborn, she is unable to take time off to recover under current law. At one of the most difficult times in a person's life, she is unable to take advantage of the same law as a woman whose child is born alive.

A woman who has a stillborn child still goes through the trauma of labor and birth, and this is compounded by the loss of a child, which is shown to produce severe adverse mental health outcomes. It is a cruel injustice that women do not have the protections to recover from a pregnancy if their child is not born alive. This issue also affects Black women disproportionately; Black women experience stillbirth at more than twice the rate of White women.

Fortunately, there is legislation pending that would remedy this gap. A2880/S2175, sponsored by Assemblymember Jenifer Rajkumar and Senator Timothy Kennedy, would make stillbirth a covered reason to use family leave under state law. This bill has already passed the Senate, and I urge you to work with two of our great Bronx leaders – Speaker Carl Heastie and Labor Committee Chair Latoya Joyner – to pass this bill in the Assembly and send it to your desk for signature.

I am proud to stand with you in your work to improve the health outcomes for women across our state. This Black Maternal Health Week, I want to ensure that we are redoubling our efforts to close the disparate outcomes experienced by Black women because of their race. Thank you for your continued efforts to make New York a national leader in birth and maternal health justice and I look forward to continuing our collaboration on this important issue.

Sincerely,

A handwritten signature in black ink that reads "Vanessa L. Gibson". The signature is written in a cursive, flowing style.

Vanessa L. Gibson

Bronx Borough President