

August 1, 2011

Dear Hospital Administrators:

Promoting exclusive and sustained breastfeeding and decreasing the unnecessary use of infant formula are important public health objectives in New York. This letter is to remind you of existing state regulations that restrict unnecessary supplemental in-hospital formula feedings and the distribution of infant formula at hospital discharge.

A recent report by the Office of the Surgeon General called on healthcare institutions and providers to ensure that maternity care practices fully support breastfeeding. It noted that both in-hospital formula supplementation of breastfed infants and the distribution of free formula samples within hospitals can deter exclusive breastfeeding by new mothers.<sup>1</sup>

In New York State hospitals outside New York City in 2010, 76% of healthy newborns were breastfed (received breast milk). However, only 52% of these babies received only breast milk in the hospital.<sup>2</sup>

The New York State Department of Health (NYSDOH) is working with hospitals to assure that women who choose to breastfeed are supported in this decision. While much progress has been made, the provision of infant formula to babies who are intended to be breastfed reduces the likelihood of sustained exclusive breastfeeding, and is a potential risk to infant health.

NYSDOH regulations (10 NYCRR § 405.21) require hospitals to have written policies and procedures in place that ensure breastfeeding infants only receive supplemental feedings (e.g., infant formula) if indicated due to medical conditions of the newborn or the mother.<sup>3</sup>

**Supplemental, in-hospital feedings for newborns should only be permitted when medically indicated.** The regulations also **restrict** hospitals from **distributing** discharge packs containing **infant formula unless there is a specific order by the attending practitioner or a direct request from the mother.**<sup>4</sup>

To ensure that only those infants who require formula after discharge receive it, the NYSDOH recommends that hospitals adopt policies to require documentation of medical indications in infants' charts and specific orders for supplemental feedings by attending practitioners.

<sup>1</sup> Office of the Surgeon General, US Department of Health and Human Services: The Surgeon General's Call to Action to Support Breastfeeding 15, 21-22 (2011).

<sup>2</sup> Bureau of Biometrics and Health Statistics, New York State Department of Health, 2010

<sup>3</sup> New York Codes Rules and Regulations Title 10 § 405.21(f)(3)(i)(b)(3) (2009).

<sup>4</sup> *Id.* (f)(3)(i)(b)(5) (2009).

Similarly, for mothers who specifically request formula, nursing or medical staff should document the reasons for the request and how much formula was given.

The two charts show 2010 data for New York State hospitals outside of New York City. The first chart ranks New York State hospitals by the percentage of infants who were fed exclusively breast milk (blue bars); compared to the Healthy People 2020 goal of 70% or higher (in the first 2 days of life). The red bars show the percentage of infants who were fed any breast milk (i.e., infants who were fed breast milk alone and those fed both breast milk and formula); compared to the Healthy People 2020 goal of 82% or higher.

The second chart shows, among infants fed any breast milk, the percent that were also given formula. Hospitals are ranked from the lowest formula supplementation to the highest; compared to the Healthy People 2020 goal of no more than 14% of breastfed infants who were also fed formula (before day 2 of life). In 2010, on average, 31% of healthy breastfed infants were also fed formula in the hospital (first few days of life).<sup>2</sup>

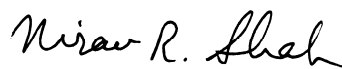
I urge you to review your policies and procedures with respect to providing infant formula to newborns in the hospital and in discharge packs to ensure compliance with the NYSDOH regulations. If every hospital adheres to practices that do not interfere with the intent to breastfeed, we will improve statewide rates of exclusive breastfeeding, and greatly benefit the health of our state's children.<sup>5</sup>

If you have any questions or wish more information, please contact:

Stephanie Hisgen, RN, BS, MPH, Breastfeeding Coordinator at 518-408-5132 or [promotingbreastfeeding@health.state.ny.us](mailto:promotingbreastfeeding@health.state.ny.us)

I appreciate your commitment to improving the health of New York's children.

Sincerely,



Nirav R. Shah, M.D., M.P.H.  
Commissioner of Health

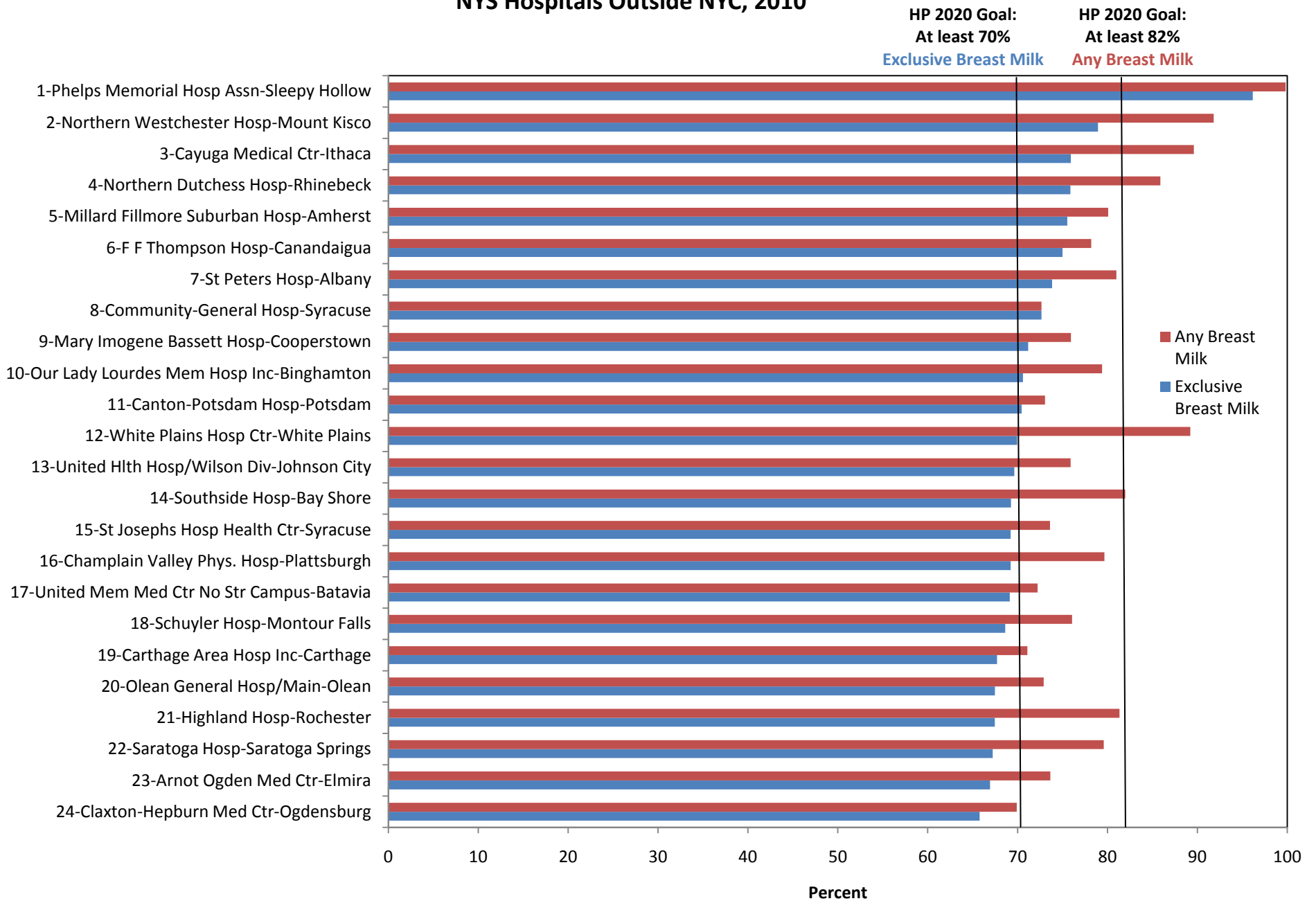
Enclosure: Charts: Percent of Healthy Breastfed Infants also Fed Formula in the Hospital, NYS Hospitals Outside NYC, 2010; and Percentages of Healthy Infants Fed Exclusively Breast Milk and Any Breast Milk in the Hospital, NYS Hospitals Outside NYC, 2010.

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<sup>5</sup> A 2010 study found that over 875 infant deaths in the US could be avoided and \$13 billion could be saved annually if 90 percent of mothers breastfed exclusively for 6 months.

Melissa Bartick and Arnold Reinhold, *The Burden of Suboptimal Breastfeeding in the United States: A Pediatric Cost Analysis*: 125 Pediatrics 1048, 1052 (2010)  
[www.pediatrics.org/cgi/doi/10.1542/peds.2009-1616](http://www.pediatrics.org/cgi/doi/10.1542/peds.2009-1616)

## Percentages of Healthy Infants Fed Exclusively Breast Milk and Any Breast Milk in the Hospital, NYS Hospitals Outside NYC, 2010

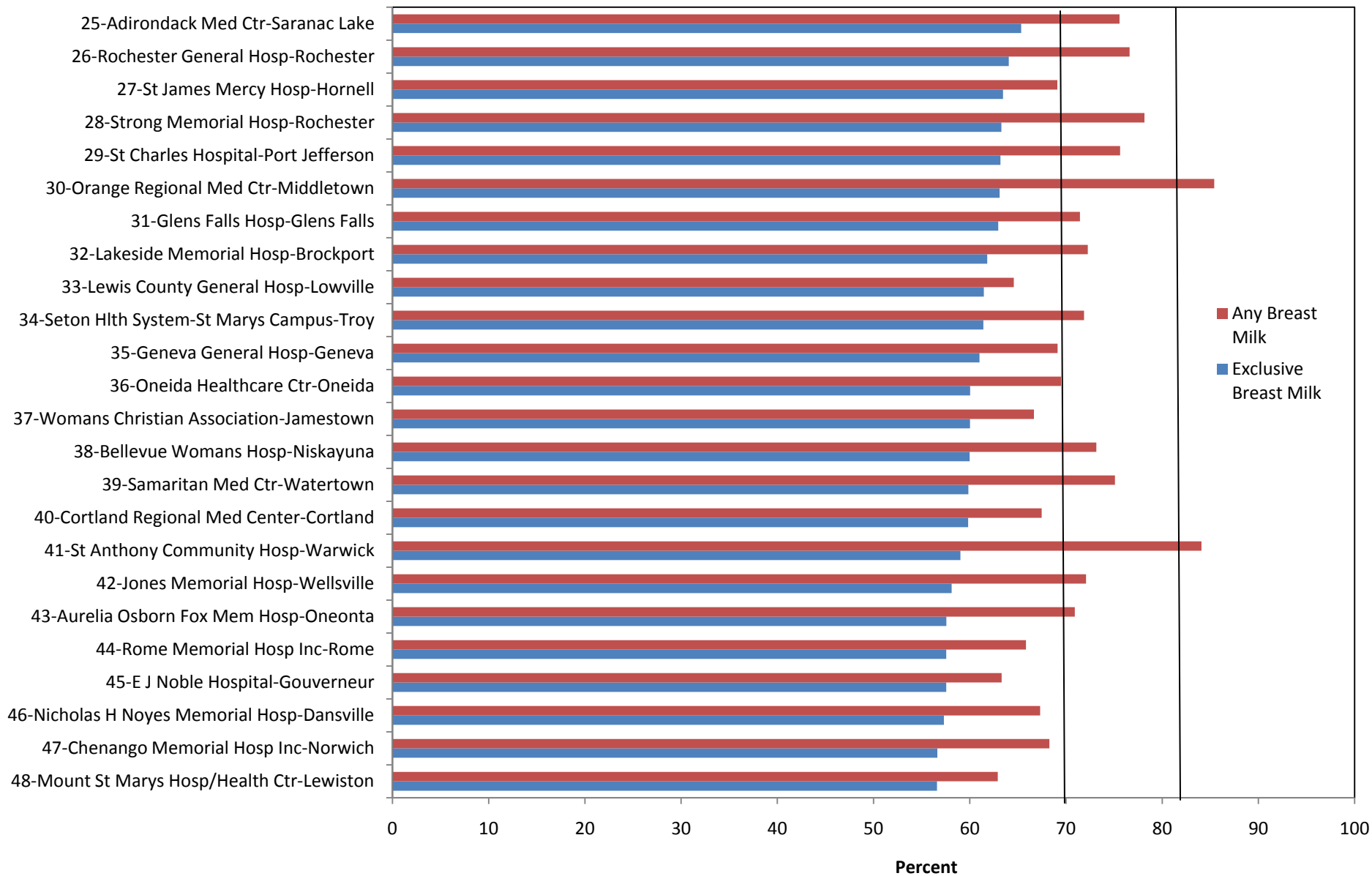


Source: Bureau of Biometric and Health Statistics, New York State Department of Health, 2010  
 Notes: Excludes infants admitted to the NICU or transferred to or from another hospital.

## Percentages of Healthy Infants Fed Exclusively Breast Milk and Any Breast Milk in the Hospital, NYS Hospitals Outside NYC, 2010

**HP 2020 Goal:**  
**At least 70%**  
**Exclusive Breast Milk**

**HP 2020 Goal:**  
**At least 82%**  
**Any Breast Milk**

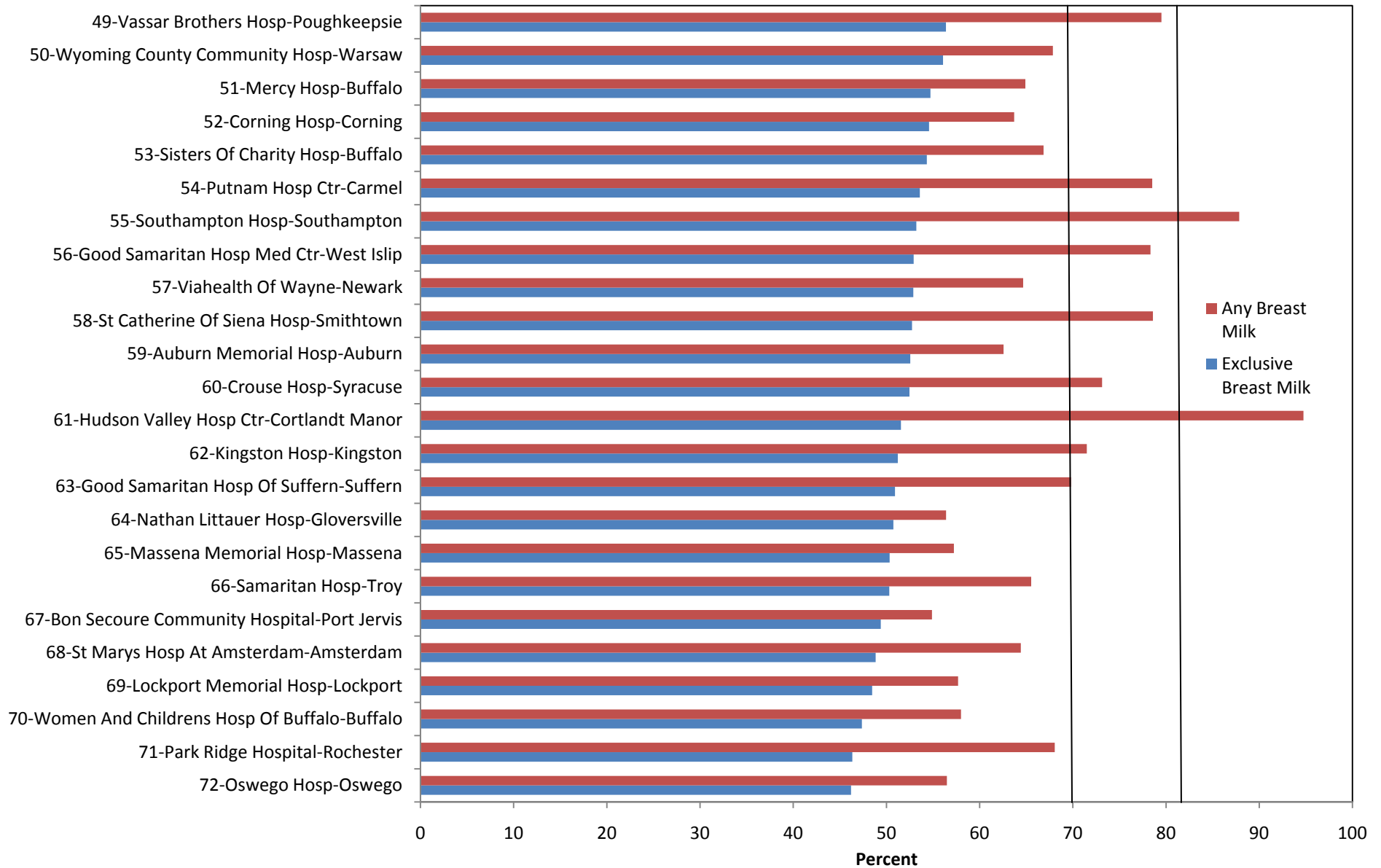


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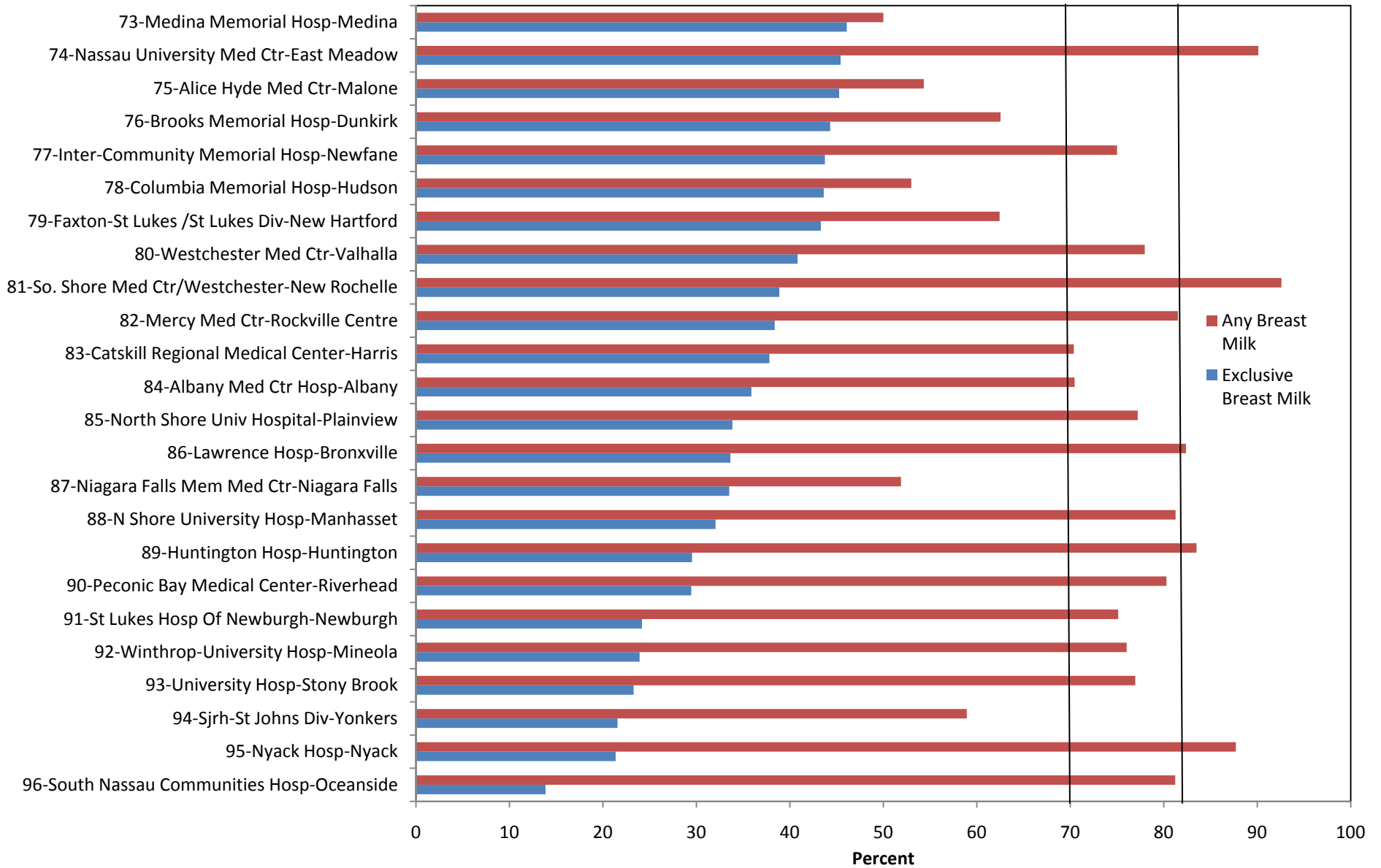
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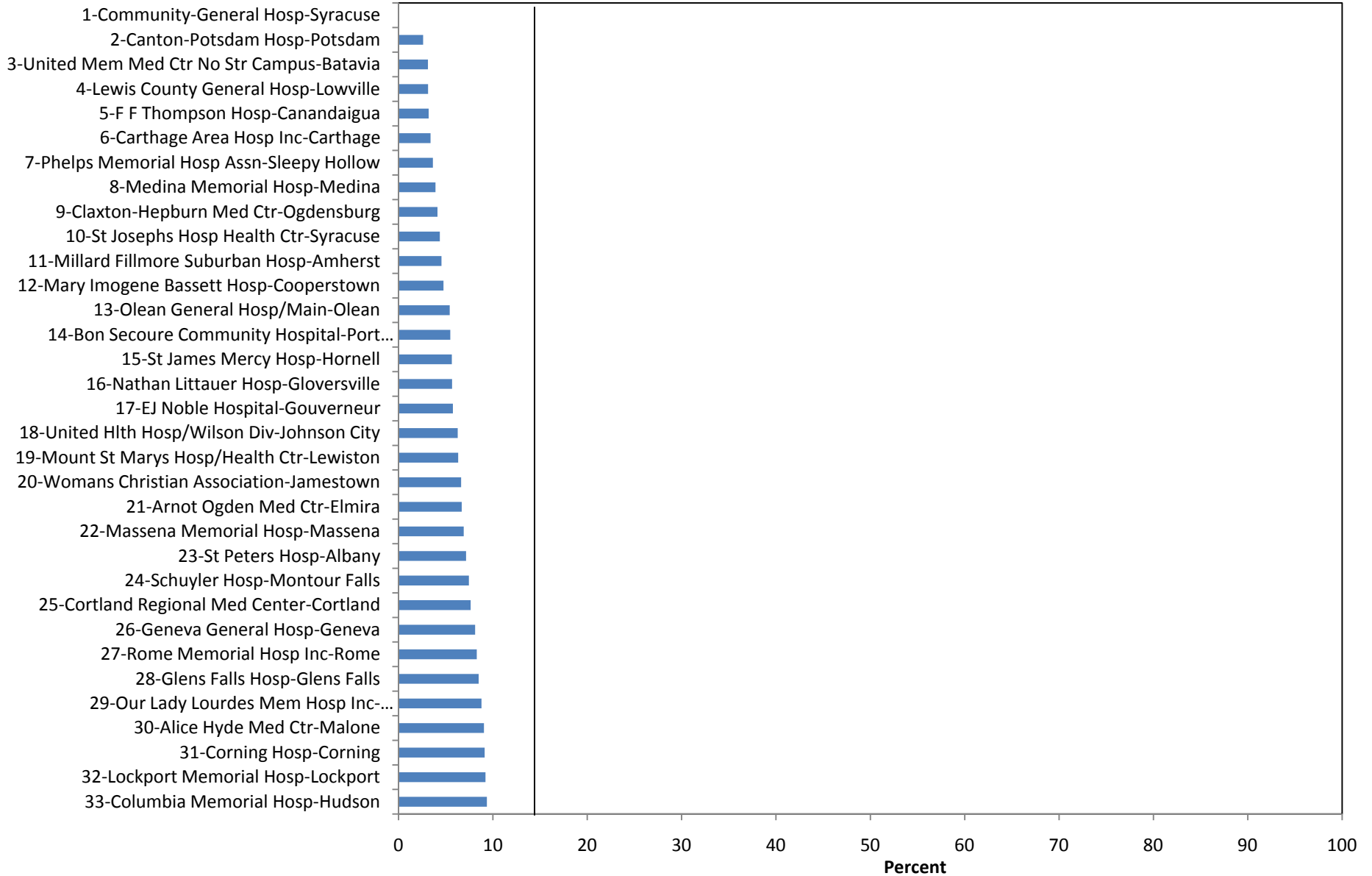
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**Any Breast Milk**



Source: Bureau of Biometric and Health Statistics, New York State Department of Health, 2010  
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## Percent of Healthy Breastfed Infants also Fed Formula in the Hospital, NYS Hospitals Outside NYC, 2010

HP 2020 Goal: 14% or less

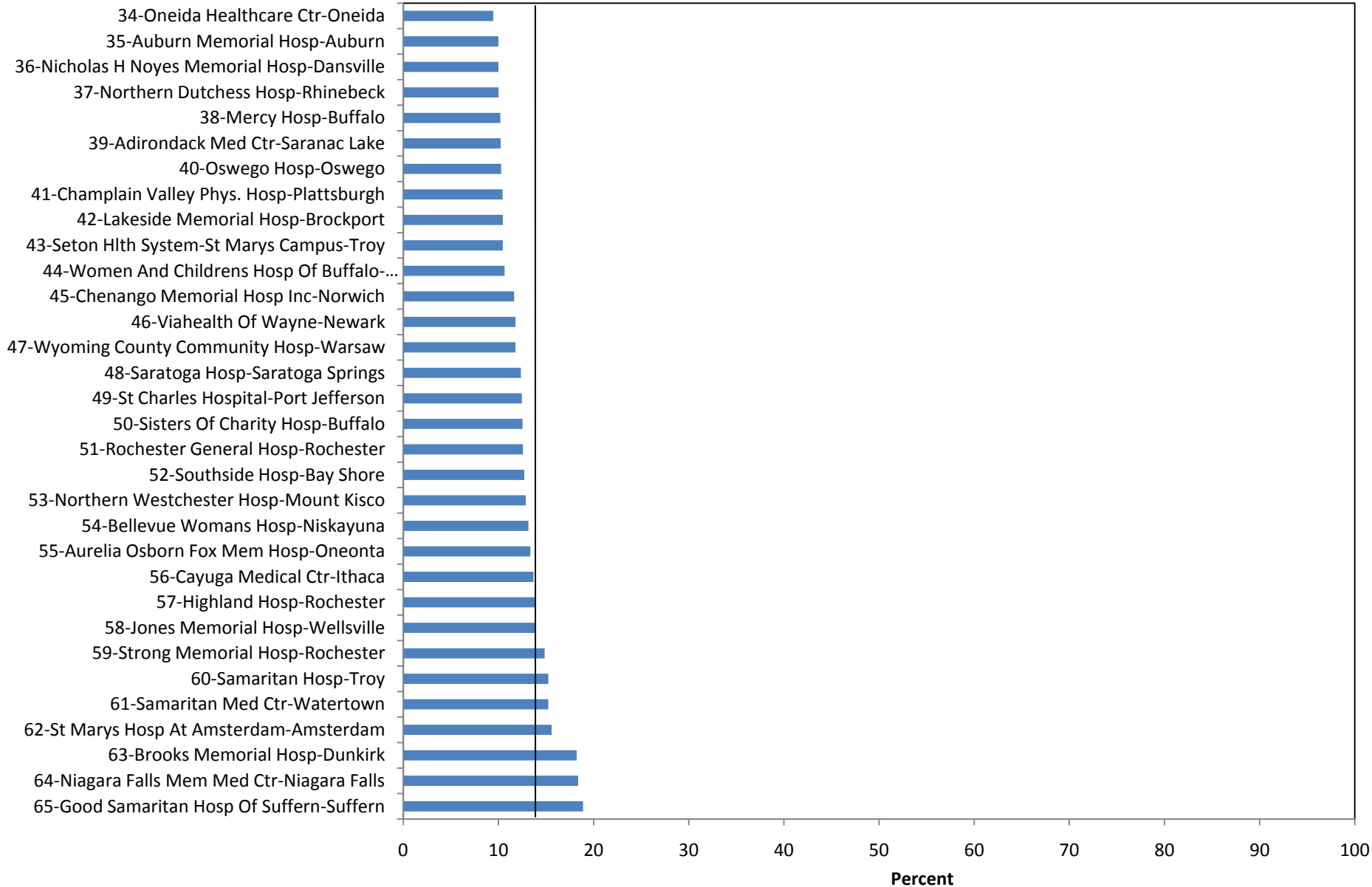


Source: Bureau of Biometric and Health Statistics, New York State Department of Health, 2010

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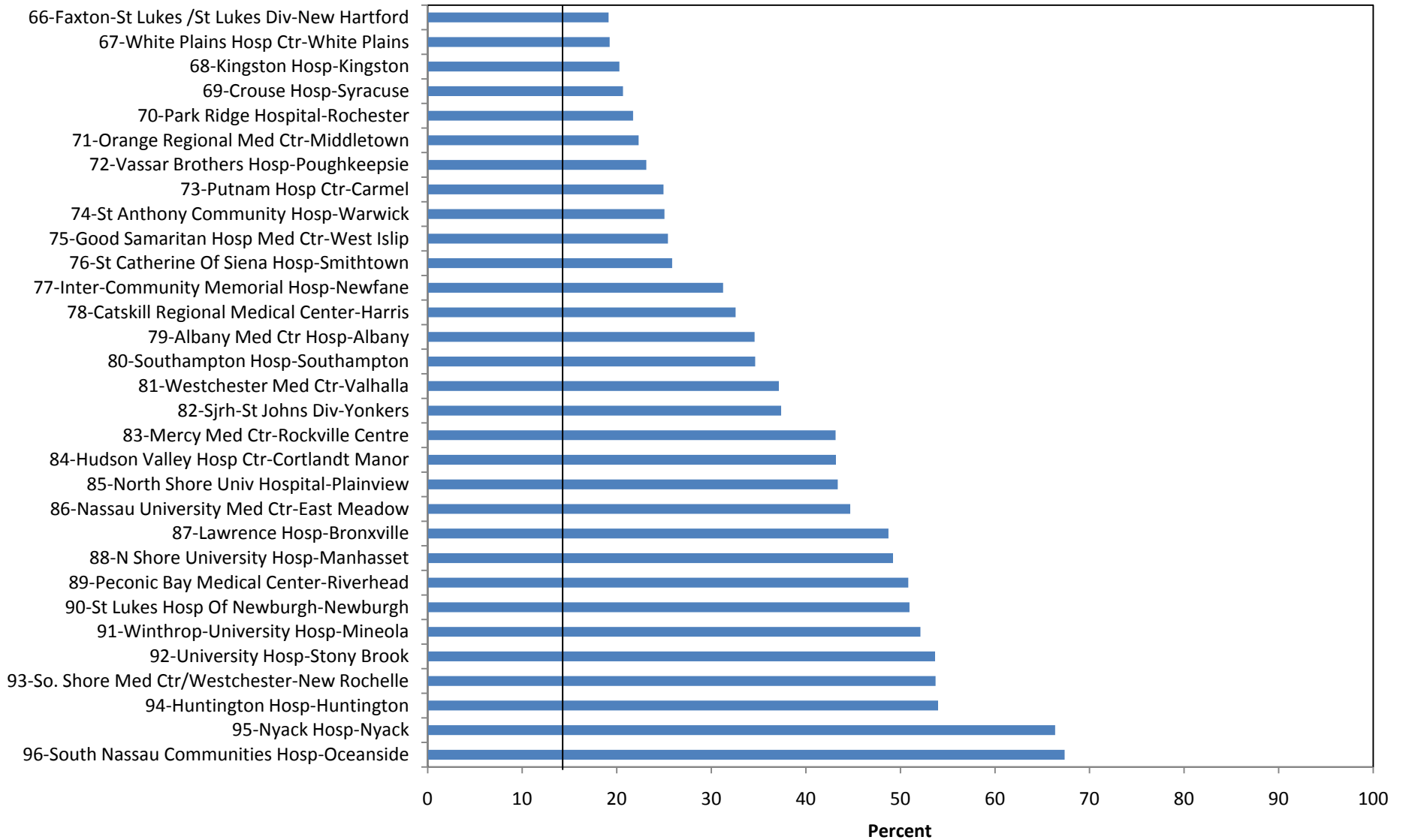


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