

3137--A

2013-2014 Regular Sessions

I N S E N A T E

January 30, 2013

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law and the insurance law, in relation to developing a maternal depression screening and referral plan for the state, and providing maternal depression education

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The public health law is amended by adding a new section
2 2500-k to read as follows:
3 S 2500-K. MATERNAL DEPRESSION. 1. DEFINITIONS. AS USED IN THIS
4 SECTION:
5 (A) "MATERNAL DEPRESSION" MEANS A WIDE RANGE OF EMOTIONAL AND PSYCHO-
6 LOGICAL REACTIONS A WOMAN MAY EXPERIENCE DURING PREGNANCY OR AFTER
7 CHILDBIRTH. THESE REACTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, FEEL-
8 INGS OF DESPAIR OR EXTREME GUILT, PROLONGED SADNESS, LACK OF ENERGY,
9 DIFFICULTY CONCENTRATING, FATIGUE, EXTREME CHANGES IN APPETITE, AND
10 THOUGHTS OF SUICIDE OR OF HARMING THE BABY. MATERNAL DEPRESSION MAY
11 INCLUDE PRENATAL DEPRESSION, THE "BABY BLUES," POSTPARTUM DEPRESSION, OR
12 POSTPARTUM PSYCHOSIS-THE SEVEREST FORM.
13 (B) "MATERNAL HEALTH CARE PROVIDER" MEANS A PHYSICIAN, MIDWIFE, NURSE
14 PRACTITIONER, OR PHYSICIAN ASSISTANT, OR OTHER HEALTH CARE PRACTITIONER
15 ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE, ATTENDING A PREGNANT
16 WOMAN OR A WOMAN UP TO ONE YEAR AFTER CHILDBIRTH, INCLUDING A PRACTI-
17 TIONER ATTENDING THE WOMAN'S CHILD UP TO ONE YEAR AFTER CHILDBIRTH.
18 2. MATERNAL DEPRESSION SCREENING. (A) THE COMMISSIONER, IN CONSULTA-
19 TION WITH THE COMMISSIONER OF MENTAL HEALTH, SHALL ESTABLISH
20 EVIDENCE-BASED GUIDELINES FOR MATERNAL DEPRESSION SCREENING FOR USE BY
21 MATERNAL HEALTH CARE PROVIDERS AND PEDIATRIC PRIMARY CARE PROVIDERS. IN
22 DEVELOPING GUIDELINES UNDER THIS SECTION, THE COMMISSIONER AND THE

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 COMMISSIONER OF MENTAL HEALTH SHALL CONSULT APPROPRIATE MATERNAL HEALTH
2 CARE PROVIDERS. SUCH GUIDELINES SHALL INCLUDE, BUT NOT BE LIMITED TO:

3 (I) THE IDENTIFICATION OF SUGGESTED VALIDATED, EVIDENCE-BASED DIAGNOS-
4 TIC TOOLS TO BE USED FOR MATERNAL DEPRESSION SCREENING;

5 (II) THE ROUTINE EMPLOYMENT OF VALIDATED, EVIDENCE-BASED MATERNAL
6 DEPRESSION SCREENING TOOLS AT REGULAR INTERVALS DURING PREGNANCY AND
7 AFTER CHILDBIRTH; AND

8 (III) AN APPROPRIATE REFERRAL MECHANISM FOR PATIENTS WHO REQUIRE
9 FURTHER EVALUATION, SERVICES, OR TREATMENT.

10 (B) MATERNAL DEPRESSION SCREENING AND REFERRAL MAY INCLUDE COMMUNI-
11 CATION WITH THE FATHER OF THE CHILD AND OTHER FAMILY MEMBERS, AS APPRO-
12 PRIATE AND CONSISTENT WITH PATIENT CONFIDENTIALITY.

13 3. REFERRALS FOR MATERNAL DEPRESSION TREATMENT. THE COMMISSIONER SHALL
14 MAKE AVAILABLE A LIST OF PROVIDERS FOR TREATMENT OF MATERNAL DEPRESSION,
15 INCLUDING SUPPORT GROUPS AND SERVICES PROVIDED BY NOT-FOR-PROFIT ORGAN-
16 IZATIONS.

17 4. THE COMMISSIONER SHALL MAKE ANY REGULATIONS NECESSARY TO IMPLEMENT
18 THIS SECTION.

19 S 2. Subdivision 1 of section 207 of the public health law is amended
20 by adding a new paragraph (i) to read as follows:

21 (I) MATERNAL DEPRESSION, INCLUDING EDUCATION, SCREENING, REFERRAL
22 SERVICES, AND POSSIBLE OPTIONS FOR TREATMENT.

23 S 3. Subdivision 1 of section 2803-j of the public health law, as
24 amended by chapter 62 of the laws of 1996, is amended to read as
25 follows:

26 1. The commissioner shall require that every hospital and birth center
27 shall prepare in printed or photocopied form and distribute at the time
28 of pre-booking directly to each prospective maternity patient and, upon
29 request, to the general public an informational leaflet. Such leaflet
30 shall be designed by the commissioner and shall contain brief defi-
31 nitions of maternity related procedures and practices as specified in
32 subdivision two of this section and such other material as deemed appro-
33 priate by the commissioner. Hospitals and birth centers may also elect
34 to distribute additional explanatory material along with the maternity
35 patients informational leaflet. THE COMMISSIONER SHALL MAKE THE INFORMA-
36 TION LEAFLETS AVAILABLE ON THE DEPARTMENT'S WEBSITE.

37 S 4. Subdivision 1-b of section 2803-j of the public health law, as
38 added by chapter 647 of the laws of 1997, is amended to read as follows:

39 1-b. The informational leaflet shall also include information relating
40 to the physical and mental health of the maternity patient after
41 discharge from the hospital, including, but not limited to, information
42 about MATERNAL AND post-partum depression. THE COMMISSIONER SHALL
43 PERFORM A REVIEW OF INFORMATION ON MATERNAL AND POST-PARTUM DEPRESSION
44 IN INFORMATIONAL LEAFLETS, IN COLLABORATION WITH THE COMMISSIONER OF
45 MENTAL HEALTH, TO EVALUATE THE CONTENTS FOR ADDRESSING ALL FORMS OF
46 MATERNAL AND POST-PARTUM DEPRESSION, AND IDENTIFYING RESOURCES FOR
47 OBTAINING HELP FOR THE PATIENTS AND THEIR FAMILIES. ALL INFORMATION ON
48 MATERNAL AND POST-PARTUM DEPRESSION IN INFORMATIONAL LEAFLETS SHALL BE
49 MADE AVAILABLE TO PATIENTS IN THE TOP SIX LANGUAGES SPOKEN IN THE STATE,
50 OTHER THAN ENGLISH, ACCORDING TO THE LATEST AVAILABLE DATA FROM THE
51 UNITED STATES CENSUS BUREAU.

52 S 5. Paragraph (b) of subdivision 1 of section 2803-n of the public
53 health law, as added by chapter 56 of the laws of 1996, is amended to
54 read as follows:

55 (b) Maternity care shall also include, at minimum, parent education,
56 assistance and training in breast or bottle feeding, EDUCATION ON MATER-

1 NAL DEPRESSION AND MATERNAL DEPRESSION SCREENING AND REFERRAL, and the
2 performance of any necessary maternal and newborn clinical assessments.
3 Notwithstanding this requirement, nothing in this paragraph is intended
4 to result in the hospital charging any amount for such services in addi-
5 tion to the applicable charge for the maternity inpatient hospital
6 admission.

7 S 6. Item (ii) of subparagraph (A) of paragraph 10 of subdivision (i)
8 of section 3216 of the insurance law, as added by chapter 56 of the laws
9 of 1996, is amended to read as follows:

10 (ii) Maternity care coverage shall also include, at minimum, parent
11 education, assistance and training in breast or bottle feeding, EDUCA-
12 TION ON MATERNAL DEPRESSION AND MATERNAL DEPRESSION SCREENING AND REFER-
13 RAL, and the performance of any necessary maternal and newborn clinical
14 assessments.

15 S 7. Subparagraph (B) of paragraph 1 of subsection (c) of section 4303
16 of the insurance law, as amended by chapter 661 of the laws of 1997, is
17 amended to read as follows:

18 (B) Maternity care coverage also shall include, at minimum, parent
19 education, assistance and training in breast or bottle feeding, EDUCA-
20 TION ON MATERNAL DEPRESSION AND MATERNAL DEPRESSION SCREENING AND REFER-
21 RAL, and the performance of any necessary maternal and newborn clinical
22 assessments.

23 S 8. The insurance law is amended by adding a new section 3217-g to
24 read as follows:

25 S 3217-G. MATERNAL DEPRESSION SCREENINGS. (A) NO INSURER SUBJECT TO
26 THIS ARTICLE SHALL BY CONTRACT, WRITTEN POLICY OR PROCEDURE LIMIT A
27 PATIENT INSURED'S DIRECT ACCESS TO SCREENING AND REFERRAL FOR MATERNAL
28 DEPRESSION FROM A PROVIDER OF OBSTETRICAL, GYNECOLOGIC, OR PEDIATRIC
29 SERVICES.

30 (B) THE STATE AND PRIVATE INSURERS SHALL ESTABLISH A REIMBURSEMENT
31 STRUCTURE FOR MATERNAL DEPRESSION SCREENING AND REFERRAL, AS OUTLINED IN
32 SECTION TWO THOUSAND FIVE HUNDRED-K OF THE PUBLIC HEALTH LAW.

33 S 9. This act shall take effect on the one hundred eightieth day after
34 it shall have become a law; provided that (a) sections six, seven and
35 eight of this act shall apply to contracts entered into, amended or
36 delivered on or after the first of January after this act becomes a law;
37 and (b) effective immediately, the addition, amendment and/or repeal of
38 any rule or regulation necessary for the implementation of this act on
39 its effective date is authorized and directed to be made and completed
40 by the commissioner of health on or before such effective date.