

9610--B

Cal. No. 870

I N A S S E M B L Y

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Introduced by M. of A. GOTTFRIED, ORTIZ -- read once and referred to the Committee on Health -- reported and referred to the Committee on Ways and Means -- passed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading -- repassed by Assembly and delivered to the Senate, recalled from the Senate, vote reconsidered, bill amended, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the public health law and the insurance law, in relation to the provision of maternal depression education, screening guidelines, and referrals for treatment

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 INFORMATION. (A) THE COMMISSIONER, IN CONSULTA-  
19 TION WITH THE COMMISSIONER OF MENTAL HEALTH, SHALL MAKE AVAILABLE TO  
20 MATERNAL HEALTH CARE PROVIDERS INFORMATION ON MATERNAL DEPRESSION. THE  
21 INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

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

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1 (I) A SUMMARY OF THE CURRENT EVIDENCE BASE AND PROFESSIONAL GUIDELINES  
2 FOR MATERNAL DEPRESSION SCREENING;

3 (II) VALIDATED, EVIDENCE-BASED TOOLS FOR MATERNAL DEPRESSION SCREEN-  
4 ING;

5 (III) INFORMATION ABOUT FOLLOW-UP SUPPORT FOR PATIENTS WHO MAY REQUIRE  
6 FURTHER EVALUATION, REFERRAL, OR TREATMENT INCLUDING, WHEN AVAILABLE,  
7 INFORMATION ABOUT SPECIFIC COMMUNITY RESOURCES AND ENTITIES LICENSED BY  
8 THE OFFICE OF MENTAL HEALTH; AND

9 (IV) INFORMATION ON ENGAGING SUPPORT FOR THE MOTHER, WHICH MAY INCLUDE  
10 COMMUNICATING WITH THE OTHER PARENT OF THE CHILD AND OTHER FAMILY  
11 MEMBERS, AS APPROPRIATE AND CONSISTENT WITH PATIENT CONFIDENTIALITY.

12 (B) THE INFORMATION ON MATERNAL DEPRESSION SHALL BE POSTED ON THE  
13 DEPARTMENT'S WEBSITE. THE COMMISSIONER SHALL, IN COLLABORATION WITH THE  
14 COMMISSIONER OF MENTAL HEALTH, UPDATE AND REVIEW THE INFORMATION ON  
15 MATERNAL DEPRESSION, AS NECESSARY.

16 3. THE COMMISSIONER SHALL MAKE ANY REGULATIONS NECESSARY TO IMPLEMENT  
17 THIS SECTION.

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

20 (J) MATERNAL DEPRESSION, INCLUDING INFORMATION ABOUT EDUCATION,  
21 SCREENING, REFERRAL SERVICES, AND POSSIBLE OPTIONS FOR TREATMENT.

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

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

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

38 1-b. The informational leaflet shall also include information relating  
39 to the physical and mental health of the maternity patient after  
40 discharge from the hospital, including, but not limited to, information  
41 about [post-partum] MATERNAL depression. THE COMMISSIONER, IN COLLAB-  
42 ORATION WITH THE COMMISSIONER OF MENTAL HEALTH, SHALL REVIEW AND UPDATE  
43 THE INFORMATION ON MATERNAL DEPRESSION CONTAINED IN THE LEAFLET, AS  
44 NECESSARY. THE INFORMATIONAL LEAFLETS SHALL BE MADE AVAILABLE TO  
45 PATIENTS IN THE TOP SIX LANGUAGES SPOKEN IN THE STATE, OTHER THAN  
46 ENGLISH, ACCORDING TO THE LATEST AVAILABLE DATA FROM THE UNITED STATES  
47 CENSUS BUREAU.

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

51 (b) Maternity care shall also include, at minimum, parent education,  
52 assistance and training in breast or bottle feeding, EDUCATION ON MATER-  
53 NAL DEPRESSION, EDUCATION ON MATERNAL DEPRESSION SCREENING AND REFER-  
54 RALS, and the performance of any necessary maternal and newborn clinical  
55 assessments. Notwithstanding this requirement, nothing in this para-  
56 graph is intended to result in the hospital charging any amount for such

1 services in addition to the applicable charge for the maternity inpa-  
2 tient hospital admission.

3 S 6. The insurance law is amended by adding a new section 3217-g to  
4 read as follows:

5 S 3217-G. MATERNAL DEPRESSION SCREENINGS. TO THE EXTENT A POLICY  
6 PROVIDES COVERAGE FOR MATERNAL DEPRESSION SCREENING, NO INSURER SUBJECT  
7 TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN POLICY OR PROCEDURE LIMIT A  
8 PATIENT INSURED'S DIRECT ACCESS TO SCREENING AND REFERRAL FOR MATERNAL  
9 DEPRESSION, AS DEFINED IN SUBDIVISION ONE OF SECTION TWENTY-FIVE  
10 HUNDRED-K OF THE PUBLIC HEALTH LAW, FROM A PROVIDER OF OBSTETRICAL,  
11 GYNECOLOGIC, OR PEDIATRIC SERVICES OF HER CHOICE; PROVIDED THAT THE  
12 PATIENT INSURED'S ACCESS TO SUCH SERVICES, COVERAGE AND CHOICE OF  
13 PROVIDER IS OTHERWISE SUBJECT TO THE TERMS AND CONDITIONS OF THE POLICY  
14 UNDER WHICH THE PATIENT INSURED IS COVERED.

15 S 7. The insurance law is amended by adding a new section 4306-f to  
16 read as follows:

17 S 4306-F. MATERNAL DEPRESSION SCREENINGS. TO THE EXTENT A CONTRACT  
18 PROVIDES COVERAGE FOR MATERNAL DEPRESSION SCREENING, NO CORPORATION  
19 SUBJECT TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN POLICY OR PROCEDURE  
20 LIMIT A PATIENT INSURED'S DIRECT ACCESS TO SCREENING AND REFERRAL FOR  
21 MATERNAL DEPRESSION, AS DEFINED IN SUBDIVISION ONE OF SECTION  
22 TWENTY-FIVE HUNDRED-K OF THE PUBLIC HEALTH LAW, FROM A PROVIDER OF  
23 OBSTETRICAL, GYNECOLOGIC, OR PEDIATRIC SERVICES OF HER CHOICE; PROVIDED  
24 THAT THE PATIENT INSURED'S ACCESS TO SUCH SERVICES, COVERAGE AND CHOICE  
25 OF PROVIDER IS OTHERWISE SUBJECT TO THE TERMS AND CONDITIONS OF THE  
26 CONTRACT UNDER WHICH THE PATIENT INSURED IS COVERED.

27 S 8. The public health law is amended by adding a new section 4406-f  
28 to read as follows:

29 S 4406-F. MATERNAL DEPRESSION SCREENINGS. TO THE EXTENT A PLAN  
30 PROVIDES COVERAGE FOR MATERNAL DEPRESSION SCREENING, NO HEALTH MAINTE-  
31 NANCE ORGANIZATION SUBJECT TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN  
32 POLICY OR PROCEDURE LIMIT A PATIENT ENROLLEE'S DIRECT ACCESS TO SCREEN-  
33 ING AND REFERRAL FOR MATERNAL DEPRESSION, AS DEFINED IN SUBDIVISION ONE  
34 OF SECTION TWENTY-FIVE HUNDRED-K OF THIS CHAPTER, FROM A PROVIDER OF  
35 OBSTETRICAL, GYNECOLOGIC, OR PEDIATRIC SERVICES OF HER CHOICE; PROVIDED  
36 THAT THE PATIENT ENROLLEE'S ACCESS TO SUCH SERVICES, COVERAGE AND CHOICE  
37 OF PROVIDER IS OTHERWISE SUBJECT TO THE TERMS AND CONDITIONS OF THE PLAN  
38 UNDER WHICH THE PATIENT ENROLLEE IS COVERED.

39 S 9. This act shall take effect on the one hundred eightieth day after  
40 it shall have become a law; provided that (a) sections six, seven and  
41 eight of this act shall apply to all policies and contracts issued,  
42 renewed, modified, altered, amended or delivered on or after the first  
43 of January after this act becomes a law; and (b) effective immediately,  
44 the addition, amendment and/or repeal of any rule or regulation neces-  
45 sary for the implementation of this act on its effective date is author-  
46 ized to be made and completed by the commissioner of health on or before  
47 such effective date.