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I N   S E N A T E

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Introduced by Sens. KRUEGER, CARLUCCI, MONTGOMERY, PARKER, PERKINS, SERRANO, TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in 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

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

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1 MATERNAL HEALTH CARE PROVIDERS INFORMATION ON MATERNAL DEPRESSION. THE  
2 INFORMATION SHALL INCLUDE, BUT NOT BE LIMITED TO:

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

5 (II) VALIDATED, EVIDENCE-BASED TOOLS FOR MATERNAL DEPRESSION SCREEN-  
6 ING;

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

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

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

18 3. THE COMMISSIONER SHALL MAKE ANY REGULATIONS NECESSARY TO IMPLEMENT  
19 THIS SECTION.

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

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

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

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

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

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

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

53 (b) Maternity care shall also include, at minimum, parent education,  
54 assistance and training in breast or bottle feeding, EDUCATION ON MATER-  
55 NAL DEPRESSION, EDUCATION ON MATERNAL DEPRESSION SCREENING AND REFER-  
56 RALS, and the performance of any necessary maternal and newborn clinical

1 assessments. Notwithstanding this requirement, nothing in this para-  
2 graph is intended to result in the hospital charging any amount for such  
3 services in addition to the applicable charge for the maternity inpa-  
4 tient hospital admission.

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

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

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

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

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

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

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