S T A T E O F N E W Y O R K

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I N A S S E M B L Y

May 12, 2014

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:

Section 1. The public health law is amended by adding a new section 2500-k to read as follows:

S 2500-K. MATERNAL DEPRESSION. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "MATERNAL DEPRESSION" MEANS A WIDE RANGE OF EMOTIONAL AND PSYCHOLOGICAL REACTIONS A WOMAN MAY EXPERIENCE DURING PREGNANCY OR AFTER CHILDBIRTH. THESE REACTIONS MAY INCLUDE, BUT ARE NOT LIMITED TO, FEELINGS OF DESPAIR OR EXTREME GUILT, PROLONGED SADNESS, LACK OF ENERGY, DIFFICULTY CONCENTRATING, FATIGUE, EXTREME CHANGES IN APPETITE, AND THOUGHTS OF SUICIDE OR OF HARMING THE BABY. MATERNAL DEPRESSION MAY INCLUDE PRENATAL DEPRESSION, THE "BABY BLUES," POSTPARTUM DEPRESSION, OR POSTPARTUM PSYCHOSIS -- THE SEVEREST FORM.

(B) "MATERNAL HEALTH CARE PROVIDER" MEANS A PHYSICIAN, MIDWIFE, NURSE PRACTITIONER, OR PHYSICIAN ASSISTANT, OR OTHER HEALTH CARE PRACTITIONER ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE, ATTENDING A PREGNANT WOMAN OR A WOMAN UP TO ONE YEAR AFTER CHILDBIRTH, INCLUDING A PRACTITIONER ATTENDING THE WOMAN'S CHILD UP TO ONE YEAR AFTER CHILDBIRTH.

2. MATERNAL DEPRESSION INFORMATION. (A) THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF MENTAL HEALTH, SHALL MAKE AVAILABLE TO MATERNAL HEALTH CARE PROVIDERS INFORMATION ON MATERNAL DEPRESSION. THE 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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(I) A SUMMARY OF THE CURRENT EVIDENCE BASE AND PROFESSIONAL GUIDELINES FOR MATERNAL DEPRESSION SCREENING;

(II) VALIDATED, EVIDENCE-BASED TOOLS FOR MATERNAL DEPRESSION SCREENING;

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

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

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

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

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

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

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

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

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

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

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

(b) Maternity care shall also include, at minimum, parent education, assistance and training in breast or bottle feeding, EDUCATION ON MATERNAL DEPRESSION, EDUCATION ON MATERNAL DEPRESSION SCREENING AND REFERRALS, and the performance of any necessary maternal and newborn clinical assessments. Notwithstanding this requirement, nothing in this paragraph is intended to result in the hospital charging any amount for such

services in addition to the applicable charge for the maternity inpatient hospital admission.

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

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

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

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

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

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

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