

7234

I N S E N A T E

May 7, 2014

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

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

24 (II) VALIDATED, EVIDENCE-BASED TOOLS FOR MATERNAL DEPRESSION SCREEN-  
25 ING;

26 (III) INFORMATION ABOUT FOLLOW-UP SUPPORT FOR PATIENTS WHO MAY REQUIRE  
27 FURTHER EVALUATION, REFERRAL, OR TREATMENT INCLUDING, WHEN AVAILABLE,

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

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1 INFORMATION ABOUT SPECIFIC COMMUNITY RESOURCES AND ENTITIES LICENSED BY  
2 THE OFFICE OF MENTAL HEALTH; AND

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

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

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

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

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

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

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

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

32 1-b. The informational leaflet shall also include information relating  
33 to the physical and mental health of the maternity patient after  
34 discharge from the hospital, including, but not limited to, information  
35 about [post-partum] MATERNAL depression. THE COMMISSIONER, IN COLLAB-  
36 ORATION WITH THE COMMISSIONER OF MENTAL HEALTH, SHALL REVIEW AND UPDATE  
37 THE INFORMATION ON MATERNAL DEPRESSION CONTAINED IN THE LEAFLET, AS  
38 NECESSARY. THE INFORMATIONAL LEAFLETS SHALL BE MADE AVAILABLE TO  
39 PATIENTS IN THE TOP SIX LANGUAGES SPOKEN IN THE STATE, OTHER THAN  
40 ENGLISH, ACCORDING TO THE LATEST AVAILABLE DATA FROM THE UNITED STATES  
41 CENSUS BUREAU.

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

45 (b) Maternity care shall also include, at minimum, parent education,  
46 assistance and training in breast or bottle feeding, EDUCATION ON MATER-  
47 NAL DEPRESSION, EDUCATION ON MATERNAL DEPRESSION SCREENING AND REFER-  
48 RALS, and the performance of any necessary maternal and newborn clinical  
49 assessments. Notwithstanding this requirement, nothing in this para-  
50 graph is intended to result in the hospital charging any amount for such  
51 services in addition to the applicable charge for the maternity inpa-  
52 tient hospital admission.

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

55 S 3217-G. MATERNAL DEPRESSION SCREENINGS. NO INSURER SUBJECT TO THIS  
56 ARTICLE SHALL BY CONTRACT, WRITTEN POLICY OR PROCEDURE LIMIT A PATIENT

1 INSURED'S DIRECT ACCESS TO SCREENING AND REFERRAL FOR MATERNAL  
2 DEPRESSION, AS DEFINED IN SUBDIVISION ONE OF SECTION TWENTY-FIVE  
3 HUNDRED-K OF THE PUBLIC HEALTH LAW, FROM A PROVIDER OF OBSTETRICAL,  
4 GYNECOLOGIC, OR PEDIATRIC SERVICES OF HER CHOICE; PROVIDED THAT THE  
5 PATIENT INSURED'S CHOICE OF PROVIDER IS SUBJECT TO THE TERMS AND CONDI-  
6 TIONS OF THE POLICY UNDER WHICH THE PATIENT INSURED IS COVERED.

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

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

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

19 S 4406-F. MATERNAL DEPRESSION SCREENINGS. NO HEALTH MAINTENANCE ORGAN-  
20 IZATION SUBJECT TO THIS ARTICLE SHALL BY CONTRACT, WRITTEN POLICY OR  
21 PROCEDURE LIMIT A PATIENT ENROLLEE'S DIRECT ACCESS TO SCREENING AND  
22 REFERRAL FOR MATERNAL DEPRESSION, AS DEFINED IN SUBDIVISION ONE OF  
23 SECTION TWENTY-FIVE HUNDRED-K OF THIS CHAPTER, FROM A PROVIDER OF  
24 OBSTETRICAL, GYNECOLOGIC, OR PEDIATRIC SERVICES OF HER CHOICE; PROVIDED  
25 THAT THE PATIENT INSURED'S CHOICE OF PROVIDER IS SUBJECT TO THE TERMS  
26 AND CONDITIONS OF THE PLAN UNDER WHICH THE PATIENT ENROLLEE IS COVERED.

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