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I N   A S S E M B L Y

May 10, 2016

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Introduced by M. of A. RICHARDSON, GOTTFRIED -- read once and referred  
to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation  
to maternal depression screening and referral performed by a provider  
of pediatric services

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

1     Section 1. Legislative intent. The purpose of this act is to clarify  
2     that where a maternal depression screening is performed by the pediatric  
3     provider, the "patient" is the child; no new patient record needs to be  
4     created for the mother as patient; and the pediatric provider is covered  
5     if he or she is in the child's health plan network, regardless of wheth-  
6     er he or she is in the mother's health plan network. In the traditional  
7     situation where the mother's health care provider is providing a mater-  
8     nal depression screening, the mother is the patient.  
9     S 2. Section 4406-f of the public health law, as added by chapter 199  
10    of the laws of 2014, is amended to read as follows:  
11    S 4406-f. Maternal depression screenings. To the extent a plan  
12    provides coverage for maternal depression screening, no health mainte-  
13    nance organization subject to this article shall by contract, written  
14    policy or procedure limit a patient enrollee's direct access to screen-  
15    ing and referral for maternal depression, as defined in subdivision one  
16    of section twenty-five hundred-k of this chapter, from a provider of  
17    obstetrical, gynecologic, or pediatric services of her choice; provided  
18    that: (A) the patient enrollee's access to such services, coverage and  
19    choice of provider is otherwise subject to the terms and conditions of  
20    the plan under which the patient enrollee is covered; (B) WHERE MATERNAL  
21    DEPRESSION SCREENING OR REFERRAL IS PERFORMED BY A PROVIDER OF PEDIATRIC  
22    SERVICES, THE CHILD OF THE MOTHER SHALL BE DEEMED TO BE THE PATIENT AND  
23    THE MATERNAL DEPRESSION SCREENING AND REFERRAL SHALL BE DEEMED TO BE A  
24    SERVICE PROVIDED TO THE CHILD; AND (C) OTHERWISE, THE MOTHER SHALL BE  
25    DEEMED TO BE THE PATIENT AND THE MATERNAL DEPRESSION SCREENING AND  
26    REFERRAL SHALL BE DEEMED TO BE A SERVICE PROVIDED TO THE MOTHER.

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

LBD15234-01-6

1 S 3. Section 3217-g of the insurance law, as added by chapter 199 of  
2 the laws of 2014, is amended to read as follows:

3 S 3217-g. Maternal depression screenings. To the extent a policy  
4 provides coverage for maternal depression screening, no insurer subject  
5 to this article shall by contract, written policy or procedure limit a  
6 patient insured's direct access to screening and referral for maternal  
7 depression, as defined in subdivision one of section twenty-five  
8 hundred-k of the public health law, from a provider of obstetrical,  
9 gynecologic, or pediatric services of her choice; provided that: (A) the  
10 patient insured's access to such services, coverage and choice of  
11 provider is otherwise subject to the terms and conditions of the policy  
12 under which the patient insured is covered; (B) WHERE MATERNAL  
13 DEPRESSION SCREENING OR REFERRAL IS PERFORMED BY A PROVIDER OF PEDIATRIC  
14 SERVICES, THE CHILD OF THE MOTHER SHALL BE DEEMED TO BE THE PATIENT AND  
15 THE MATERNAL DEPRESSION SCREENING AND REFERRAL SHALL BE DEEMED TO BE A  
16 SERVICE PROVIDED TO THE CHILD; AND (C) OTHERWISE, THE MOTHER SHALL BE  
17 DEEMED TO BE THE PATIENT AND THE MATERNAL DEPRESSION SCREENING AND  
18 REFERRAL SHALL BE DEEMED TO BE A SERVICE PROVIDED TO THE MOTHER.

19 S 4. Section 4306-f of the insurance law, as added by chapter 199 of  
20 the laws of 2014, is amended to read as follows:

21 S 4306-f. Maternal depression screenings. To the extent a contract  
22 provides coverage for maternal depression screening, no corporation  
23 subject to this article shall by contract, written policy or procedure  
24 limit a patient insured's direct access to screening and referral for  
25 maternal depression, as defined in subdivision one of section twenty-  
26 five hundred-k of the public health law, from a provider of obstetrical,  
27 gynecologic, or pediatric services of her choice; provided that: (A) the  
28 patient insured's access to such services, coverage and choice of  
29 provider is otherwise subject to the terms and conditions of the  
30 contract under which the patient insured is covered; (B) WHERE MATERNAL  
31 DEPRESSION SCREENING OR REFERRAL IS PERFORMED BY A PROVIDER OF PEDIATRIC  
32 SERVICES, THE CHILD OF THE MOTHER SHALL BE DEEMED TO BE THE PATIENT AND  
33 THE MATERNAL DEPRESSION SCREENING AND REFERRAL SHALL BE DEEMED TO BE A  
34 SERVICE PROVIDED TO THE CHILD; AND (C) OTHERWISE, THE MOTHER SHALL BE  
35 DEEMED TO BE THE PATIENT AND THE MATERNAL DEPRESSION SCREENING AND  
36 REFERRAL SHALL BE DEEMED TO BE A SERVICE PROVIDED TO THE MOTHER.

37 S 5. This act shall take effect on the first of January next succeed-  
38 ing the date on which it shall have become a law and shall apply to all  
39 policies and contracts issued, renewed, modified, altered, amended or  
40 delivered on or after such date; provided, however, that effective imme-  
41 diately, the addition, amendment and/or repeal of any rule or regulation  
42 necessary for the implementation of this act on its effective date are  
43 authorized and directed to be made and completed on or before such  
44 effective date.