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

March 3, 2016

Introduced by M. of A. RICHARDSON, ORTIZ, WALKER, BICHOTTE, BLAKE -- Multi-Sponsored by -- M. of A. BRENNAN, HOOPER, HYNDMAN -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to maternal depression screenings

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

Section 1. Subdivision 1 of section 2500-k of the public health law is amended by adding a new paragraph (c) to read as follows:

(C) "QUESTIONNAIRE" MEANS AN ASSESSMENT TOOL ADMINISTERED BY A MATERNAL HEALTH CARE PROVIDER OR THEIR AGENT, TO DETECT MATERNAL DEPRESSION SUCH AS THE EDINBURGH POSTNATAL DEPRESSION SCALE, THE POSTPARTUM DEPRESSION SCREENING SCALE, THE BECK DEPRESSION INVENTORY, THE PATIENT HEALTH QUESTIONNAIRE, OR OTHER VALIDATED ASSESSMENT METHODS AS APPROVED BY THE COMMISSIONER.

S 2. Subdivision 3 of section 2500-k of the public health law is renumbered subdivision 4 and a new subdivision 3 is added to read as follows:

3. MATERNAL DEPRESSION SCREENINGS. (A) MATERNAL HEALTH CARE PROVIDERS PROVIDING PRENATAL CARE SHALL AT A PRENATAL VISIT OFFER EACH PREGNANT PATIENT A QUESTIONNAIRE FOR THE PURPOSE OF SCREENING THE PATIENT FOR DEPRESSION IN ACCORDANCE WITH NATIONAL STANDARDS. THE MATERNAL HEALTH CARE PROVIDER SHALL PROVIDE TREATMENT OR REFER WHEN APPROPRIATE, IN ACCORDANCE WITH NATIONAL STANDARDS, ANY WOMAN WHO TEST POSITIVE ON THE QUESTIONNAIRE AND WHO CONSENTS TO SUCH TREATMENT OR REFERRAL.

(B) MATERNAL HEALTH PROVIDERS PROVIDING POSTNATAL CARE TO WOMEN SHALL THEMSELVES OR THROUGH THEIR AGENTS OFFER A QUESTIONNAIRE FOR THE PURPOSE OF SCREENING THE WOMAN FOR DEPRESSION. THE MATERNAL HEALTH CARE PROVIDER SHALL PROVIDE TREATMENT OR REFER WHEN APPROPRIATE, IN ACCORDANCE WITH NATIONAL STANDARDS, ANY WOMAN WHO TESTS POSITIVE ON THE QUESTIONNAIRE AND WHO CONSENTS TO SUCH TREATMENT OR REFERRAL.

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

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(C) MATERNAL HEALTH CARE PROVIDERS PROVIDING PEDIATRIC CARE TO AN INFANT SHALL THEMSELVES OR THROUGH THEIR AGENTS OFFER THE INFANT'S MOTHER A QUESTIONNAIRE AT ANY WELL-CHILD CHECK-UP AT WHICH THE MOTHER IS PRESENT PRIOR TO THE INFANT'S FIRST BIRTHDAY. MATERNAL HEALTH CARE PROVIDERS SHALL PROVIDE TREATMENT OR REFER WHEN APPROPRIATE IN ACCORDANCE WITH NATIONAL STANDARDS, ANY WOMAN WHO TESTS POSITIVE ON THE QUESTIONNAIRE AND WHO CONSENTS TO SUCH TREATMENT OR REFERRAL.

(D) CONSENT FROM THE MOTHER MUST BE OBTAINED BEFORE DISCLOSING THE RESULTS OF THE ASSESSMENT UNLESS THE MOTHER IS DETERMINED TO PRESENT A DANGER TO HERSELF OR OTHERS OR UNLESS OTHERWISE AUTHORIZED BY APPLICABLE LAW OR REGULATIONS.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed by the commissioner of health on or before such effective date.