

6657--A

I N S E N A T E

February 3, 2016

Introduced by Sen. PERSAUD -- read twice and ordered printed, and when printed to be committed 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:

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

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

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

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

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

25 (C) MATERNAL HEALTH CARE PROVIDERS PROVIDING PEDIATRIC CARE TO AN
26 INFANT SHALL THEMSELVES OR THROUGH THEIR AGENTS OFFER THE INFANT'S MOTH-

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

LBD13780-04-6

1 ER A QUESTIONNAIRE AT ANY WELL-CHILD CHECK-UP AT WHICH THE MOTHER IS
2 PRESENT PRIOR TO THE INFANT'S FIRST BIRTHDAY. MATERNAL HEALTH CARE
3 PROVIDERS SHALL PROVIDE TREATMENT OR REFER WHEN APPROPRIATE IN ACCORD-
4 ANCE WITH NATIONAL STANDARDS, ANY WOMAN WHO TESTS POSITIVE ON THE QUES-
5 TIONNAIRE AND WHO CONSENTS TO SUCH TREATMENT OR REFERRAL.

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

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