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I N S E N A T E

May 20, 2016

Introduced by Sens. KRUEGER, HANNON -- 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 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.