

# STATE OF NEW YORK

8526

## IN SENATE

June 8, 2020

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

AN ACT to amend the insurance law, in relation to requiring insurance  
policies to provide coverage for pre-term labor hospitalizations, home  
visits to monitor pre-term labor patients and counseling

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Item (i) of subparagraph (A) of paragraph 10 of subsection  
2 (i) of section 3216 of the insurance law, as amended by chapter 238 of  
3 the laws of 2010, is amended and two new subparagraphs (C) and (D) are  
4 added to read as follows:

5 (i) Every policy which provides hospital, surgical or medical coverage  
6 shall provide coverage for maternity care, including hospital, surgical  
7 or medical care to the same extent that hospital, surgical or medical  
8 coverage is provided for illness or disease under the policy. Such  
9 maternity care coverage, other than coverage for perinatal compli-  
10 cations, shall include inpatient hospital coverage for expectant mothers  
11 in pre-term labor, inpatient hospital coverage for mother and for  
12 newborn for at least forty-eight hours after childbirth for any delivery  
13 other than a caesarean section, and for at least ninety-six hours after  
14 a caesarean section. Such coverage for maternity care shall include the  
15 services of a midwife licensed pursuant to article one hundred forty of  
16 the education law, practicing consistent with section sixty-nine hundred  
17 fifty-one of the education law and affiliated or practicing in conjunc-  
18 tion with a facility licensed pursuant to article twenty-eight of the  
19 public health law, but no insurer shall be required to pay for duplica-  
20 tive routine services actually provided by both a licensed midwife and a  
21 physician.

22 (C) Coverage provided under this subsection for care and treatment  
23 during pregnancy shall include provision for part-time or intermittent  
24 home nursing care by or under the supervision of a registered profes-  
25 sional nurse to monitor expectant mothers who have been diagnosed by a  
26 physician as having experienced pre-term labor, and for the adminis-  
27 tration of Makena (17-alpha hydroxyprogesterone) by such nurse. As used

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

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1 in this subsection, "pre-term labor" means the commencement of regular  
2 contractions of the uterus causing palpable changes in the cervix that  
3 start between twenty weeks and thirty-six weeks and six days of pregnan-  
4 cy, including, but not limited to, effacement and dilation.

5 (D) Coverage provided under this subsection for care and treatment  
6 during pregnancy shall include provisions for visits with a physician,  
7 psychiatrist or psychologist or a licensed clinical social worker within  
8 the lawful scope of his or her practice who provides psychiatric or  
9 psychological services or for the diagnosis and treatment of mental,  
10 nervous or emotional disorders and ailments for assistance with  
11 emotional issues experienced by an expectant mother and the family of an  
12 expectant mother who has:

13 (i) lost a fetus through miscarriage or stillbirth;  
14 (ii) lost a child within a month after the birth of the child; or  
15 (iii) been diagnosed by a physician as having experienced pre-term  
16 labor.

17 § 2. Item (i) of subparagraph (A) of paragraph 5 of subsection (k) of  
18 section 3221 of the insurance law, as amended by chapter 238 of the laws  
19 of 2010, is amended and two new subparagraphs (C) and (D) are added to  
20 read as follows:

21 (i) Every group or blanket policy delivered or issued for delivery in  
22 this state which provides hospital, surgical or medical coverage shall  
23 include coverage for maternity care, including hospital, surgical or  
24 medical care to the same extent that coverage is provided for illness or  
25 disease under the policy. Such maternity care coverage, other than  
26 coverage for perinatal complications, shall include inpatient hospital  
27 coverage for expectant mothers in pre-term labor, inpatient hospital  
28 coverage for mother and newborn for at least forty-eight hours after  
29 childbirth for any delivery other than a caesarean section, and for at  
30 least ninety-six hours after a caesarean section. Such coverage for  
31 maternity care shall include the services of a midwife licensed pursuant  
32 to article one hundred forty of the education law, practicing consistent  
33 with section sixty-nine hundred fifty-one of the education law and  
34 affiliated or practicing in conjunction with a facility licensed pursu-  
35 ant to article twenty-eight of the public health law, but no insurer  
36 shall be required to pay for duplicative routine services actually  
37 provided by both a licensed midwife and a physician.

38 (C) Coverage provided under this subsection for care and treatment  
39 during pregnancy shall include provision for part-time or intermittent  
40 home nursing care by or under the supervision of a registered profes-  
41 sional nurse to monitor expectant mothers who have been diagnosed by a  
42 physician as having experienced pre-term labor, and for the adminis-  
43 tration of Makena (17-alpha hydroxyprogesterone) by such nurse. As used  
44 in this subsection, "pre-term labor" means the commencement of regular  
45 contractions of the uterus causing palpable changes in the cervix that  
46 start between twenty weeks and thirty-six weeks and six days of pregnan-  
47 cy, including, but not limited to, effacement and dilation.

48 (D) Coverage provided under this subsection for care and treatment  
49 during pregnancy shall include provisions for visits with a physician,  
50 psychiatrist or psychologist or a licensed clinical social worker within  
51 the lawful scope of his or her practice who provides psychiatric or  
52 psychological services or for the diagnosis and treatment of mental,  
53 nervous or emotional disorders and ailments for assistance with  
54 emotional issues experienced by an expectant mother and the family of an  
55 expectant mother who has:

56 (i) lost a fetus through miscarriage or stillbirth;

1 (ii) lost a child within a month after the birth of the child; or  
2 (iii) been diagnosed by a physician as having experienced pre-term  
3 labor.

4 § 3. Subparagraph (A) of paragraph 1 of subsection (c) of section 4303  
5 of the insurance law, as amended by chapter 238 of the laws of 2010, is  
6 amended and two new paragraphs 3 and 4 are added to read as follows:

7 (A) Every contract issued by a corporation subject to the provisions  
8 of this article which provides hospital service, medical expense indem-  
9 nity or both shall provide coverage for maternity care including hospi-  
10 tal, surgical or medical care to the same extent that hospital service,  
11 medical expense indemnity or both are provided for illness or disease  
12 under the contract. Such maternity care coverage, other than coverage  
13 for perinatal complications, shall include inpatient hospital coverage  
14 for expectant mothers in pre-term labor, inpatient hospital coverage for  
15 mother and for newborn for at least forty-eight hours after childbirth  
16 for any delivery other than a caesarean section, and for at least nine-  
17 ty-six hours following a caesarean section. Such coverage for maternity  
18 care shall include the services of a midwife licensed pursuant to arti-  
19 cle one hundred forty of the education law, practicing consistent with  
20 section sixty-nine hundred fifty-one of the education law and affiliated  
21 or practicing in conjunction with a facility licensed pursuant to arti-  
22 cle twenty-eight of the public health law, but no insurer shall be  
23 required to pay for duplicative routine services actually provided by  
24 both a licensed midwife and a physician.

25 (3) Coverage provided under this subsection for care and treatment  
26 during pregnancy shall include provision for part-time or intermittent  
27 home nursing care by or under the supervision of a registered profes-  
28 sional nurse to monitor expectant mothers who have been diagnosed by a  
29 physician as having experienced pre-term labor, and for the adminis-  
30 tration of Makena (17-alpha hydroxyprogesterone) by such nurse. As used  
31 in this subsection, "pre-term labor" means the commencement of regular  
32 contractions of the uterus causing palpable changes in the cervix that  
33 start between twenty weeks and thirty-six weeks and six days of pregnan-  
34 cy, including, but not limited to, effacement and dilation.

35 (4) Coverage provided under this subsection for care and treatment  
36 during pregnancy shall include provisions for visits with a physician,  
37 psychiatrist or psychologist or a licensed clinical social worker within  
38 the lawful scope of his or her practice who provides psychiatric or  
39 psychological services or for the diagnosis and treatment of mental,  
40 nervous or emotional disorders and ailments for assistance with  
41 emotional issues experienced by an expectant mother and the family of an  
42 expectant mother who has:

43 (A) lost a fetus through miscarriage or stillbirth;

44 (B) lost a child within a month after the birth of the child; or

45 (C) been diagnosed by a physician as having experienced pre-term  
46 labor.

47 § 4. This act shall take effect on the sixtieth day after it shall  
48 have become a law. Effective immediately the addition, amendment and/or  
49 repeal of any rule or regulation necessary for the implementation of  
50 this act on its effective date are authorized to be made and completed  
51 on or before such date.