

# STATE OF NEW YORK

8348

## IN SENATE

February 15, 2022

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

AN ACT to amend the public health law, in relation to universal newborn nurse home visiting services; to amend the insurance law, in relation to requiring health insurance coverage for universal newborn nurse home visiting services; authorizing the department of health to apply for certain waivers; and directing the superintendent of financial services to require an insurer, health carrier or health benefit plan to notify enrollees annually of universal newborn nurse home visiting services

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

1 Section 1. The public health law is amended by adding a new section to  
2 read as follows:

3 § 2500-1. Universal newborn nurse home visiting services. 1. As used  
4 in this section, "community" means a geographic region, county, tribe or  
5 other group of individuals living in proximity as defined by the depart-  
6 ment by rule.

7 2. (a) The commissioner shall design, implement and maintain a volun-  
8 tary statewide program to provide universal newborn nurse home visiting  
9 services to all families with newborns residing in this state to support  
10 healthy child development and strengthen families. The commissioner  
11 shall design the universal newborn nurse home visiting program to be  
12 flexible so as to meet the needs of the communities where the program  
13 operates.

14 (b) In designing the program described in paragraph (a) of this subdi-  
15 vision, the commissioner shall consult, coordinate and collaborate, as  
16 necessary, with insurers that offer health benefit plans in this state,  
17 hospitals, local public health authorities, the early intervention  
18 program, existing early childhood home visiting programs, community-  
19 based organizations and social service providers.

20 3. The program shall provide nurse home visiting services that are:

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

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1 (a) based on criteria established by the United States Department of  
2 Health and Human Services for an evidence-based early childhood home  
3 visiting service delivery model;

4 (b) provided by registered nurses licensed in this state to families  
5 caring for newborns up to the age of six months, including foster and  
6 adoptive newborns;

7 (c) provided in the family's home; and

8 (d) aimed at improving outcomes in one or more of the following  
9 domains:

10 (i) child health;

11 (ii) child development and school readiness;

12 (iii) family economic self-sufficiency;

13 (iv) maternal health;

14 (v) positive parenting;

15 (vi) reducing child mistreatment;

16 (vii) reducing juvenile delinquency;

17 (viii) reducing family violence; or

18 (ix) reducing crime.

19 4. The services provided in the program must:

20 (a) be voluntary and carry no negative consequences for a family that  
21 declines to participate;

22 (b) be offered in every community in this state;

23 (c) include an evidence-based assessment of the physical, social and  
24 emotional factors affecting the family;

25 (d) be offered to all families with newborns residing in the community  
26 where the program operates;

27 (e) include at least one visit during a newborn's first three months  
28 of life with the opportunity for the family to choose up to three addi-  
29 tional visits;

30 (f) include a follow-up visit no later than three months after the  
31 last visit; and

32 (g) provide information and referrals to address each family's identi-  
33 fied needs.

34 5. The authority shall collect and analyze data generated by the  
35 program to assess the effectiveness of the program in meeting the aims  
36 described in paragraph (d) of subdivision three of this section and  
37 shall work with other state agencies to develop protocols for sharing  
38 data, including the timely sharing of data with primary care providers  
39 of care to the families with newborns receiving the services.

40 6. The commissioner shall adopt by rule, consistent with the  
41 provisions of this section, criteria for universal newborn nurse home  
42 visiting services that must be covered by health benefit plans.

43 § 2. Subsection (i) of section 3216 of the insurance law is amended by  
44 adding a new paragraph 36 to read as follows:

45 (36)(A) Every policy which provides hospital, surgical or medical  
46 coverage shall provide coverage for universal newborn nurse home visit-  
47 ing services as prescribed by the department of health by rule under  
48 section twenty-five hundred-1 of the public health law. The coverage  
49 must be provided without any cost-sharing, coinsurance or deductible  
50 applicable to the services.

51 (B) Insurers must offer universal newborn nurse home visiting services  
52 in their health benefit plans but an individual enrolled in the plan is  
53 not required to receive the services as a condition of coverage and may  
54 not be penalized or in any way discouraged from declining the services.

1 (C) An insurer must notify an individual enrolled in the plan about  
2 the universal newborn nurse home visiting services whenever such indi-  
3 vidual adds a newborn to coverage under the plan.

4 (D) An insurer may use in-network providers or may contract with local  
5 public health authorities to provide the services.

6 (E) This paragraph does not require an insurer to reimburse the cost  
7 of the services in any specific manner. The services may be reimbursed  
8 using:

9 (i) a value-based payment methodology;

10 (ii) a claim invoicing process;

11 (iii) capitated payments;

12 (iv) a payment methodology that takes into account the need for a  
13 community-based entity providing the services to expand its capacity to  
14 provide the services and address health disparities; or

15 (v) any other methodology agreed to by the insurer and the provider of  
16 the services.

17 (F) Insurers shall report to the department of public health, in the  
18 form and manner prescribed by the department of public health, data  
19 regarding claims submitted for services covered under this paragraph to  
20 monitor the provision of the universal newborn nurse home visiting  
21 services.

22 § 3. Subsection (k) of section 3221 of the insurance law is amended by  
23 adding a new paragraph 22 to read as follows:

24 (22)(A) Every group or blanket policy delivered or issued for deliv-  
25 ery in this state which provides hospital, surgical or medical  
26 coverage shall include coverage for universal newborn nurse home visit-  
27 ing services as prescribed by the department of health by rule under  
28 section twenty-five hundred-1 of the public health law. The coverage  
29 must be provided without any cost-sharing, coinsurance or deductible  
30 applicable to the services.

31 (B) Insurers must offer universal newborn nurse home visiting services  
32 in their health benefit plans but an individual enrolled in the plan is  
33 not required to receive the services as a condition of coverage and may  
34 not be penalized or in any way discouraged from declining the services.

35 (C) An insurer must notify an individual enrolled in the plan about  
36 the universal newborn nurse home visiting services whenever such indi-  
37 vidual adds a newborn to coverage under the plan.

38 (D) An insurer may use in-network providers or may contract with local  
39 public health authorities to provide the services.

40 (E) This paragraph does not require an insurer to reimburse the cost  
41 of the services in any specific manner. The services may be reimbursed  
42 using:

43 (i) a value-based payment methodology;

44 (ii) a claim invoicing process;

45 (iii) capitated payments;

46 (iv) a payment methodology that takes into account the need for a  
47 community-based entity providing the services to expand its capacity to  
48 provide the services and address health disparities; or

49 (v) any other methodology agreed to by the insurer and the provider of  
50 the services.

51 (F) Insurers shall report to the department of public health, in the  
52 form and manner prescribed by the department of public health, data  
53 regarding claims submitted for services covered under this paragraph to  
54 monitor the provision of the universal newborn nurse home visiting  
55 services.

1 § 4. Section 4303 of the insurance law is amended by adding a new  
2 subsection (ss) to read as follows:

3 (ss)(1) A medical expense indemnity corporation, a hospital service  
4 corporation or a health service corporation that provides coverage for  
5 hospital, surgical or medical care shall include coverage for universal  
6 newborn nurse home visiting services as prescribed by the department of  
7 health by rule under section twenty-five hundred-1 of the public health  
8 law. The coverage must be provided without any cost-sharing, coinsurance  
9 or deductible applicable to the services.

10 (2) Insurers must offer universal newborn nurse home visiting services  
11 in their health benefit plans but an individual enrolled in the plan is  
12 not required to receive the services as a condition of coverage and may  
13 not be penalized or in any way discouraged from declining the services.

14 (3) An insurer must notify an individual enrolled in the plan about  
15 the universal newborn nurse home visiting services whenever such indi-  
16 vidual adds a newborn to coverage under the plan.

17 (4) An insurer may use in-network providers or may contract with local  
18 public health authorities to provide the services.

19 (5) This paragraph does not require an insurer to reimburse the cost  
20 of the services in any specific manner. The services may be reimbursed  
21 using:

22 (A) a value-based payment methodology;

23 (B) a claim invoicing process;

24 (C) capitated payments;

25 (D) a payment methodology that takes into account the need for a  
26 community-based entity providing the services to expand its capacity to  
27 provide the services and address health disparities; or

28 (E) any other methodology agreed to by the insurer and the provider of  
29 the services.

30 (6) Insurers shall report to the department of public health, in the  
31 form and manner prescribed by the department of public health, data  
32 regarding claims submitted for services covered under this paragraph to  
33 monitor the provision of the universal newborn nurse home visiting  
34 services.

35 § 5. The department of health may request a waiver for state inno-  
36 vation under 42 U.S.C. 18052 to obtain federal financial participation  
37 in the cost of services provided under sections two, three and four of  
38 this act.

39 § 6. The superintendent of financial services shall require an insur-  
40 er, health carrier or health benefit plan to notify enrollees annually  
41 of universal newborn nurse home visiting services covered by such enrol-  
42 lees' health benefit plan. The notice shall be delivered by mail unless  
43 the enrollee and health carrier have agreed on another method of notifi-  
44 cation. The superintendent of financial services is authorized to  
45 promulgate necessary rules and regulations for the purposes of providing  
46 such notification.

47 § 7. This act shall take effect on the ninetieth day after it shall  
48 have become a law and shall apply to any policy issued, delivered,  
49 renewed, and/or modified on or after the effective date of this act.  
50 Effective immediately, the addition, amendment and/or repeal of any rule  
51 or regulation necessary for the implementation of this act on its effec-  
52 tive date are authorized to be made and completed on or before such  
53 effective date.