

STATE OF NEW YORK

9579

IN ASSEMBLY

March 20, 2024

Introduced by M. of A. ZACCARO, SLATER -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation to requiring maternal depression screenings and that such screenings are covered by insurance

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

1 Section 1. Subdivisions 3 and 4 of section 2500-k of the public health
2 law, subdivision 4 as renumbered by chapter 463 of the laws of 2017, are
3 renumbered subdivisions 4 and 5 and a new subdivision 3 is added to read
4 as follows:

5 3. Maternal depression screenings. (a) A maternal health care provider
6 shall facilitate a screening for maternal depression within the first
7 six weeks of birth.

8 (b)(i) If such birth mother declines to be screened for depression
9 within the first six weeks of having given birth, the maternal health
10 care provider shall record in such birth mother's medical records that
11 such birth mother was not screened for depression based upon the refusal
12 by such birth mother.

13 (ii) The record of a birth mother's refusal of a maternal depression
14 screening shall relieve such maternal health care provider of liability
15 under section six thousand five hundred thirty of the education law.

16 § 2. Item (ii) of subparagraph (A) of paragraph 10 of subsection (i)
17 of section 3216 of the insurance law, as added by chapter 56 of the laws
18 of 1996, is amended to read as follows:

19 (ii) Maternity care coverage shall also include, at minimum, parent
20 education, assistance and training in breast or bottle feeding, maternal
21 depression screenings in accordance with subdivision three of section
22 two thousand five hundred-k of the public health law, and the perform-
23 ance of any necessary maternal and newborn clinical assessments.

24 § 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (k) of
25 section 3221 of the insurance law, as added by chapter 56 of the laws of
26 1996, is amended to read as follows:

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

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1 (ii) Maternity care coverage shall also include, at minimum, parent
2 education, assistance and training in breast or bottle feeding, maternal
3 depression screenings in accordance with subdivision three of section
4 two thousand five hundred-k of the public health law, and the perform-
5 ance of any necessary maternal and newborn clinical assessments.

6 § 4. Subparagraph (B) of paragraph 1 of subsection (c) of section 4303
7 of the insurance law, as amended by chapter 661 of the laws of 1997, is
8 amended to read as follows:

9 (B) Maternity care coverage also shall include, at minimum, parent
10 education, assistance and training in breast or bottle feeding, maternal
11 depression screenings in accordance with subdivision three of section
12 two thousand five hundred-k of the public health law, and the perform-
13 ance of any necessary maternal and newborn clinical assessments.

14 § 5. Section 3217-g of the insurance law, as added by chapter 199 of
15 the laws of 2014, is amended to read as follows:

16 § 3217-g. Maternal depression screenings. [~~To the extent a policy~~
17 ~~provides coverage for maternal depression screening, no~~] No insurer
18 subject to this article shall by contract, written policy or procedure
19 limit a patient insured's direct access to screening and referral for
20 maternal depression, as defined in subdivision one of section twenty-
21 five hundred-k of the public health law, from a provider of obstetrical,
22 gynecologic, or pediatric services of her choice; provided that the
23 patient insured's access to such services, coverage and choice of
24 provider is otherwise subject to the terms and conditions of the policy
25 under which the patient insured is covered.

26 § 6. This act shall take effect one year after it shall have become a
27 law and shall apply to policies or contracts issued, renewed, modified,
28 altered, or amended on or after such date. Effective immediately, the
29 addition, amendment and/or repeal of any rule or regulation necessary
30 for the implementation of this act on its effective date are authorized
31 to be made and completed on or before such date.