

STATE OF NEW YORK

3211

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

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
2 2500-1 to 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.

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

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1 3. The program shall provide nurse home visiting services that are:
2 (a) based on criteria established by the United States Department of
3 Health and Human Services for an evidence-based early childhood home
4 visiting service delivery model;
5 (b) provided by registered nurses licensed in this state to families
6 caring for newborns up to the age of six months, including foster and
7 adoptive newborns;
8 (c) provided in the family's home; and
9 (d) aimed at improving outcomes in one or more of the following
10 domains:
11 (i) child health;
12 (ii) child development and school readiness;
13 (iii) family economic self-sufficiency;
14 (iv) maternal health;
15 (v) positive parenting;
16 (vi) reducing child mistreatment;
17 (vii) reducing juvenile delinquency;
18 (viii) reducing family violence; or
19 (ix) reducing crime.
20 4. The services provided in the program must:
21 (a) be voluntary and carry no negative consequences for a family that
22 declines to participate;
23 (b) be offered in every community in this state;
24 (c) include an evidence-based assessment of the physical, social and
25 emotional factors affecting the family;
26 (d) be offered to all families with newborns residing in the community
27 where the program operates;
28 (e) include at least one visit during a newborn's first three months
29 of life with the opportunity for the family to choose up to three addi-
30 tional visits;
31 (f) include a follow-up visit no later than three months after the
32 last visit; and
33 (g) provide information and referrals to address each family's identi-
34 fied needs.
35 5. The authority shall collect and analyze data generated by the
36 program to assess the effectiveness of the program in meeting the aims
37 described in paragraph (d) of subdivision three of this section and
38 shall work with other state agencies to develop protocols for sharing
39 data, including the timely sharing of data with primary care providers
40 of care to the families with newborns receiving the services.
41 6. The commissioner shall adopt by rule, consistent with the
42 provisions of this section, criteria for universal newborn nurse home
43 visiting services that must be covered by health benefit plans.
44 § 2. Subsection (i) of section 3216 of the insurance law is amended by
45 adding a new paragraph 39 to read as follows:
46 (39)(A) Every policy which provides hospital, surgical or medical
47 coverage shall provide coverage for universal newborn nurse home visit-
48 ing services as prescribed by the department of health by rule under
49 section twenty-five hundred-1 of the public health law. The coverage
50 must be provided without any cost-sharing, coinsurance or deductible
51 applicable to the services.
52 (B) Insurers must offer universal newborn nurse home visiting services
53 in their health benefit plans but an individual enrolled in the plan is
54 not required to receive the services as a condition of coverage and may
55 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 23 to read as follows:

24 (23)(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.

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

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

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

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

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

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

(A) a value-based payment methodology;

(B) a claim invoicing process;

(C) capitated payments;

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

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

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

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

§ 6. The superintendent of financial services shall require an insurer, health carrier or health benefit plan to notify enrollees annually of universal newborn nurse home visiting services covered by such enrollees' health benefit plan. The notice shall be delivered by mail unless the enrollee and health carrier have agreed on another method of notification. The superintendent of financial services is authorized to promulgate necessary rules and regulations for the purposes of providing such notification.

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