STATE OF NEW YORK

1096

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

Introduced by M. of A. BICHOTTE HERMELYN, SILLITTI, STIRPE, COLTON, CRUZ, JACKSON -- read once and referred to the Committee on Insurance

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 Assembly, do enact as follows:

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

(i) Every policy which provides hospital, surgical or medical coverage shall provide coverage for maternity care, including hospital, surgical or medical care to the same extent that hospital, surgical or medical coverage is provided for illness or disease under the policy. Such maternity care coverage, other than coverage for perinatal complications, shall include inpatient hospital coverage ***for expectant mothers in pre-term labor, inpatient hospital coverage*** for mother and for newborn for at least forty-eight hours after childbirth for any delivery other than a caesarean section, and for at least ninety-six hours after a caesarean section. Such coverage for maternity care shall include the services of a midwife licensed pursuant to article one hundred forty of the education law, practicing consistent with section sixty-nine hundred fifty-one of the education law and affiliated or practicing in conjunction with a facility licensed pursuant to article twenty-eight of the public health law, but no insurer shall be required to pay for duplicative routine services actually provided by both a licensed midwife and a physician.

(C) Coverage provided under this subsection for care and treatment during pregnancy shall include provision for part-time or intermittent home nursing care by or under the supervision of a registered profes-

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

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sional nurse to monitor expectant mothers who have been diagnosed by a physician as having experienced pre-term labor, and for the administration of Makena (17-alpha hydroxyprogesterone) by such nurse. As used in this subsection, "pre-term labor" means the commencement of regular contractions of the uterus causing palpable changes in the cervix that start between twenty weeks and thirty-six weeks and six days of pregnancy, including, but not limited to, effacement and dilation.

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

(i) lost a fetus through miscarriage or stillbirth;

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

(iii) been diagnosed by a physician as having experienced pre-term labor.

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

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

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

(D) Coverage provided under this subsection for care and treatment during pregnancy shall include provisions for visits with a physician, psychiatrist or psychologist or a licensed clinical social worker within the lawful scope of his or her practice who provides psychiatric or psychological services or for the diagnosis and treatment of mental, nervous or emotional disorders and ailments for assistance with

emotional issues experienced by an expectant mother and the family of an expectant mother who has:

(i) lost a fetus through miscarriage or stillbirth;

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

(iii) been diagnosed by a physician as having experienced pre-term labor.

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

(A) Every contract issued by a corporation subject to the provisions of this article which provides hospital service, medical expense indemnity or both shall provide coverage for maternity care including hospital, surgical or medical care to the same extent that hospital service, medical expense indemnity or both are provided for illness or disease under the contract. Such maternity care coverage, other than coverage for perinatal complications, shall include inpatient hospital coverage for expectant mothers in pre-term labor, inpatient hospital coverage for mother and for newborn for at least forty-eight hours after childbirth for any delivery other than a caesarean section, and for at least ninety-six hours following a caesarean section. Such coverage for maternity care shall include the services of a midwife licensed pursuant to article one hundred forty of the education law, practicing consistent with section sixty-nine hundred fifty-one of the education law and affiliated or practicing in conjunction with a facility licensed pursuant to article twenty-eight of the public health law, but no insurer shall be required to pay for duplicative routine services actually provided by both a licensed midwife and a physician.

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

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

(A) lost a fetus through miscarriage or stillbirth;

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

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

§ 4. This act shall take effect on the sixtieth day after it shall have become a law. 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 date.