STATE OF NEW YORK

9579--A

IN ASSEMBLY

March 20, 2024

Introduced by M. of A. ZACCARO, SLATER -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

(b)(i) If such birth mother declines to be screened for depression within the first six weeks of having given birth, the maternal health care provider shall record in such birth mother's medical records that such birth mother was not screened for depression based upon the refusal by such birth mother. Such refusal shall not be the basis for any action taken against a birth mother or any denial of care or services.

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

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

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

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

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

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

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

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

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

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

§ 6. This act shall take effect one year after it shall have become a law and shall apply to policies or contracts issued, renewed, modified, altered, or amended on or after such date. 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.