STATE OF NEW YORK

2039

2023-2024 Regular Sessions

IN SENATE

January 18, 2023

Introduced by Sens. BROUK, ADDABBO, CLEARE, COONEY, GOUNARDES, HARCKHAM, HOYLMAN-SIGAL, KENNEDY, MYRIE, PERSAUD, SANDERS, SKOUFIS, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law, in relation to maternal depression screenings

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

Section 1. Subdivision 1 of section 2500-k of the public health law is amended by adding a new paragraph (c) to read as follows:

(c) "Questionnaire" means an assessment tool administered by a licensed health care professional, to detect maternal depression such as the Edinburgh Postnatal Depression Scale, the Postpartum Depression Screening Scale, the Beck Depression Inventory, the Patient Health Questionnaire, or other validated assessment methods as approved by the commissioner.

§ 2. 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) Maternal health care providers providing prenatal care at a prenatal visit shall invite each pregnant patient to complete a questionnaire and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists. Assessment for maternal depression must be repeated when, in the professional judgment of the maternal health care provider, a reasonable possibility exists that the pregnant patient suffers from maternal depression.

(b) Maternal health care providers providing postnatal care to persons who gave birth shall invite each patient to complete a questionnaire and shall review the completed questionnaire in accordance with the formal

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

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opinions of the American College of Obstetricians and Gynecologists. Assessment for maternal depression must be repeated when, in the professional judgment of the maternal health care provider, a reasonable possibility exists that the pregnant patient suffers from maternal depression.

(c) It is recommended that maternal health care providers make the best efforts practicable to contact the person who gave birth within twenty-one days from the date of delivery and use industry practices to detect maternal depression pursuant to this section.

(d) Maternal health care providers providing pediatric care to an infant shall invite the infant's mother to complete a questionnaire at any well-child check-up at which the mother is present prior to the infant's first birthday, and shall review the completed questionnaire in accordance with the formal opinions and recommendations of the American College of Obstetricians and Gynecologists, in order to ensure that the health and well-being of the infant is not compromised by an undiagnosed condition of maternal depression in the mother. Assessment for maternal depression must be repeated when, in the professional judgment of the maternal health care provider, a reasonable possibility exists that the pregnant patient suffers from maternal depression.

(e) Consent from the mother must be obtained before a maternal health care provider may share results from an assessment with the mother's primary licensed health care professional, unless the mother is determined to present a danger to herself or others.

§ 3. This act shall take effect on the one hundred eightieth 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 effective date.