

# 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:

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

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

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

13 3. Maternal depression screenings. (a) Maternal health care providers  
14 providing prenatal care at a prenatal visit shall invite each pregnant  
15 patient to complete a questionnaire and shall review the completed ques-  
16 tionnaire in accordance with the formal opinions and recommendations of  
17 the American College of Obstetricians and Gynecologists. Assessment for  
18 maternal depression must be repeated when, in the professional judgment  
19 of the maternal health care provider, a reasonable possibility exists  
20 that the pregnant patient suffers from maternal depression.

21 (b) Maternal health care providers providing postnatal care to persons  
22 who gave birth shall invite each patient to complete a questionnaire and  
23 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.

LBD03810-01-3

1 opinions of the American College of Obstetricians and Gynecologists.  
2 Assessment for maternal depression must be repeated when, in the profes-  
3 sional judgment of the maternal health care provider, a reasonable  
4 possibility exists that the pregnant patient suffers from maternal  
5 depression.

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

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

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

25 § 3. This act shall take effect on the one hundred eightieth day after  
26 it shall have become a law. Effective immediately, the addition, amend-  
27 ment and/or repeal of any rule or regulation necessary for the implemen-  
28 tation of this act on its effective date are authorized to be made and  
29 completed on or before such effective date.