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:

Section 1. The public health law is amended by adding a new section 2500-l to read as follows:

§ 2500-l. Universal newborn nurse home visiting services. 1. As used in this section, "community" means a geographic region, county, tribe or other group of individuals living in proximity as defined by the department by rule.

2. (a) The commissioner shall design, implement and maintain a voluntary statewide program to provide universal newborn nurse home visiting services to all families with newborns residing in this state to support healthy child development and strengthen families. The commissioner shall design the universal newborn nurse home visiting program to be flexible so as to meet the needs of the communities where the program operates.

(b) In designing the program described in paragraph (a) of this subdivision, the commissioner shall consult, coordinate and collaborate, as necessary, with insurers that offer health benefit plans in this state, hospitals, local public health authorities, the early intervention program, existing early childhood home visiting programs, community-based organizations and social service providers.

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

LBD08155-01-3

3. The program shall provide nurse home visiting services that are:

(a) based on criteria established by the United States Department of Health and Human Services for an evidence-based early childhood home visiting service delivery model;

(b) provided by registered nurses licensed in this state to families caring for newborns up to the age of six months, including foster and adoptive newborns;

(c) provided in the family's home; and

(d) aimed at improving outcomes in one or more of the following domains:

(i) child health;

(ii) child development and school readiness;

(iii) family economic self-sufficiency;

(iv) maternal health;

(v) positive parenting;

(vi) reducing child mistreatment;

(vii) reducing juvenile delinquency;

(viii) reducing family violence; or

(ix) reducing crime.

4. The services provided in the program must:

(a) be voluntary and carry no negative consequences for a family that declines to participate;

(b) be offered in every community in this state;

(c) include an evidence-based assessment of the physical, social and emotional factors affecting the family;

(d) be offered to all families with newborns residing in the community where the program operates;

(e) include at least one visit during a newborn's first three months of life with the opportunity for the family to choose up to three additional visits;

(f) include a follow-up visit no later than three months after the last visit; and

(g) provide information and referrals to address each family's identified needs.

5. The authority shall collect and analyze data generated by the program to assess the effectiveness of the program in meeting the aims described in paragraph (d) of subdivision three of this section and shall work with other state agencies to develop protocols for sharing data, including the timely sharing of data with primary care providers of care to the families with newborns receiving the services.

6. The commissioner shall adopt by rule, consistent with the provisions of this section, criteria for universal newborn nurse home visiting services that must be covered by health benefit plans.

§ 2. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 39 to read as follows:

(39)(A) Every policy which provides hospital, surgical or medical coverage shall provide coverage for universal newborn nurse home visiting services as prescribed by the department of health by rule under section twenty-five hundred-l of the public health law. The coverage must be provided without any cost-sharing, coinsurance or deductible applicable to the services.

(B) 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.

(C) 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.

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

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

(i) a value-based payment methodology;

(ii) a claim invoicing process;

(iii) capitated payments;

(iv) 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

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

(F) 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.

§ 3. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 23 to read as follows:

(23)(A) Every group or blanket policy delivered or issued for delivery in this state which provides hospital, surgical or medical coverage shall include coverage for universal newborn nurse home visiting services as prescribed by the department of health by rule under section twenty-five hundred-l of the public health law. The coverage must be provided without any cost-sharing, coinsurance or deductible applicable to the services.

(B) 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.

(C) 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.

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

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

(i) a value-based payment methodology;

(ii) a claim invoicing process;

(iii) capitated payments;

(iv) 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

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

(F) 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.

§ 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-l 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.