

STATE OF NEW YORK

7012--A

2025-2026 Regular Sessions

IN SENATE

March 28, 2025

Introduced by Sens. SCARCELLA-SPANTON, CANZONERI-FITZPATRICK -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- recommitted to the Committee on Women's Issues in accordance with Senate Rule 6, sec. 8 -- 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:

1 Section 1. Section 2500-k of the public health law is amended by
2 adding a new subdivision 3-a to read as follows:

3 3-a. Maternal depression screenings. (a) A health care provider shall
4 facilitate a screening for maternal depression using the Edinburgh Post-
5 natal Depression Scale, or another validated, evidence-based maternal
6 depression screening instrument approved by the commissioner prior to
7 the patient leaving the birthing facility, and during the first postna-
8 tal visit which shall occur the first six weeks of having given birth,
9 the health care provider shall record in such patient's medical records
10 that such patient was not screened for depression based upon the refusal
11 by such patient. Such refusal shall not be the basis for any action
12 taken against a patient or any denial of care or services.

13 (b) The record of a patient's refusal of a depression screening shall
14 relieve such health care provider of liability under section sixty-five
15 hundred thirty of the education law.

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

19 (ii) Maternity care coverage shall also include, at minimum, parent
20 education, assistance and training in breast or bottle feeding,

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

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1 depression screenings in accordance with subdivision three-a of section
2 twenty-five hundred-k of the public health law, and the performance of
3 any necessary maternal and newborn clinical assessments.

4 § 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (k) of
5 section 3221 of the insurance law, as added by chapter 56 of the laws of
6 1996, is amended to read as follows:

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

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

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

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

22 § 3217-g. Maternal depression screenings. [~~To the extent a policy~~
23 ~~provides coverage for maternal depression screening, no~~] No insurer
24 subject to this article shall by contract, written policy or procedure
25 limit a patient insured's direct access to screening and referral for
26 maternal depression, as defined in subdivision one of section twenty-
27 five hundred-k of the public health law, from a provider of obstetrical,
28 gynecologic, or pediatric services of [~~her~~] their choice; provided that
29 the patient insured's access to such services, coverage and choice of
30 provider is otherwise subject to the terms and conditions of the policy
31 under which the patient insured is covered.

32 § 6. This act shall take effect one year after it shall have become a
33 law and shall apply to policies or contracts issued, renewed, modified,
34 altered, or amended on or after such date. Effective immediately, the
35 addition, amendment and/or repeal of any rule or regulation necessary
36 for the implementation of this act on its effective date are authorized
37 to be made and completed on or before such date.