



NEW YORK STATE
DEPARTMENT *of*
FINANCIAL SERVICES

Andrew M. Cuomo
Governor

Maria T. Vullo
Acting Superintendent

Insurance Circular Letter No. 1 (2016)
April 25, 2016

TO: All Insurers Authorized to Write Accident and Health Insurance in New York State, Article 43 Corporations, Health Maintenance Organizations (“HMOs”), Student Health Plans Certified Pursuant to Insurance Law § 1124, and Municipal Cooperatives (collectively, “issuers”)

RE: Health Insurance Coverage for Maternal Depression Screening

STATUTORY AND REGULATORY REFERENCES: 42 U.S.C. § 300gg-13 (Section 2713 of the Public Health Service Act, as amended by the Affordable Care Act); 42 U.S.C. 300gg-1, et al.; 42 U.S.C. 18001, et al.; 45 C.F.R. Parts 146 and 147; N.Y. Insurance Law §§ 3103, 3201, 3217-g, 3221, 4303, 4306-f, 4308 and Article 49; N.Y. Public Health Law § 4406-f and Article 49

Purpose

The purpose of this circular letter is to provide direction to insurers authorized to write accident and health insurance in this state, article 43 corporations, health maintenance organizations, student health plans certified pursuant to Insurance Law § 1124, and municipal cooperative insurers (collectively “issuers”) regarding mandated health insurance coverage for maternal depression screening and treatment.

Analysis

42 U.S.C. § 300gg-13 (Section 2713 of the Public Health Service Act, as amended by the Affordable Care Act), requires group health plans and issuers offering group or individual health insurance coverage to provide, with no copayment, coinsurance or deductible, preventive services that have a rating of “A” or “B” in the current recommendations of the United States Preventive Services Taskforce (“USPSTF”).

In January 2016, the USPSTF B rating list recommendation for adult depression screening was updated to specifically recommend screening for depression in pregnant and postpartum women. The recommendation reads: “The USPSTF recommends screening for depression in the general adult population, including pregnant and postpartum women. Screening should be implemented

with adequate systems in place to ensure accurate diagnosis, effective treatment, and appropriate follow up.”

With respect to New York State law, Chapter 199 of the Laws of 2014, which added new Insurance Law §§ 3217-g and 4306-f and new Public Health Law § 4406-f, provides that, to the extent a policy provides coverage for maternal depression (as defined in Public Health Law § 2500-k), an insured is entitled to direct access for maternal depression screening and referral for maternal depression treatment by an OB/GYN or pediatrician of her choice. The insured’s access to the services, coverage and choice of provider is otherwise subject to the terms and conditions of the policy under which the insured is covered. The law is effective for all policies issued, renewed, modified, altered, amended or delivered on or after January 1, 2015.

Depression screening for all pregnant and postpartum women is now specifically recommended. Previously, the recommendation for depression screening was limited to non-pregnant adults and only in instances where depression care supports were in place. If care supports were not in place, screening was recommended based upon professional judgment.

Treatment for maternal depression must also be provided in accordance with existing law. Importantly, existing law requires that mental health services have parity in insurance coverage. See Insurance Circular Letter No. 5 (2014) for information and guidance about the Mental Health Parity and Addiction Act of 2008 (“MHPAEA”).

Conclusion

Issuers must provide full coverage for maternal depression screening in accordance with the most recent USPSTF B list recommendation at no cost-sharing. When providing coverage for maternal depression screening, issuers must comply with Chapter 199 of the Laws of 2014 by providing direct access for maternal depression screening and referral for maternal depression treatment by an OB/GYN or pediatrician of the insured’s choice, subject to the terms and conditions of the insured’s policy, which the Department of Financial Services approves.

Please direct any questions regarding this circular letter to Thomas Fusco, Supervising Insurance Attorney, Health Bureau, New York State Department of Financial Services, Walter J. Mahoney Office Building, 65 Court Street, Room 7, Buffalo, New York 14202 or by e-mail at thomas.fusco@dfs.ny.gov.

Very truly yours,

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Bureau Chief, Health Bureau