

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H1/31/23

A Bill

HOUSE BILL 1035

5 By: Representative Pilkington
6 By: Senator Irvin
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE SCREENING FOR DEPRESSION OF BIRTH
10 MOTHERS AT THE TIME OF BIRTH; TO MANDATE THAT
11 INSURANCE POLICIES COVER SCREENING FOR DEPRESSION OF
12 BIRTH MOTHERS AT THE TIME OF BIRTH; AND FOR OTHER
13 PURPOSES.
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Subtitle

16 TO REQUIRE SCREENING FOR DEPRESSION OF
17 BIRTH MOTHERS AT THE TIME OF BIRTH; AND
18 TO MANDATE THAT INSURANCE POLICIES COVER
19 SCREENING FOR DEPRESSION OF BIRTH MOTHERS
20 AT THE TIME OF BIRTH.
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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 20, Chapter 15, Subchapter 1, is
27 amended to add an additional section to read as follows:

28 20-15-102. Depression screening for birth mothers at the time of
29 birth.

30 (a) A physician or healthcare provider who is attending a birth in
31 this state or a licensed healthcare provider who is attending or providing
32 medical treatment to a birth mother in this state shall facilitate a
33 healthcare provider to screen the birth mother for depression within the
34 first six (6) weeks of birth.

35 (b)(1) If the birth mother declines to be screened for depression
36 within the first six (6) weeks of having given birth, the physician or



1 healthcare provider shall record in the patient's medical records that the
2 birth mother was not screened for depression based upon the refusal of the
3 patient.

4 (2) The record of a patient refusal relieves the physician and
5 the healthcare provider of liability under this subsection.

6 (c) Records, reports, data, or other information collected or
7 maintained under this section that identify or could be used to identify an
8 individual patient, healthcare provider, or institution are confidential and
9 are not subject to disclosure under the Freedom of Information Act of 1967, §
10 25-19-101 et seq.

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12 SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an
13 additional subchapter to read as follows:

14 Subchapter 24 – Coverage for Birth Mother Screening for Depression

15
16 23-79-2401. Definitions.

17 As used in this subchapter:

18 (1) "Birth mother" means the biological mother of a child;

19 (2) "Depression" means a mental illness classified as a mood
20 disorder that causes a persistent feeling of sadness and a loss of interest;

21 (3)(A) "Health benefit plan" means:

22 (i) An individual, blanket, or group plan or a
23 policy, or contract for healthcare services issued or delivered by a
24 healthcare insurer; and

25 (ii) Any health benefit program receiving state or
26 federal appropriations from the State of Arkansas, including the Arkansas
27 Medicaid Program and the Arkansas Health and Opportunity for Me Program, or
28 any successor program.

29 (B) "Health benefit plan" includes:

30 (i) Indemnity and managed care plans; and

31 (ii) Nonfederal governmental plans as defined in 29
32 U.S.C. § 1002(32), as it existed on January 1, 2024.

33 (C) "Health benefit plan" does not include:

34 (i) A disability income plan;

35 (ii) A credit insurance plan;

36 (iii) Insurance coverage issued as a supplement to

1 liability insurance;

2 (iv) A medical payment under automobile or
3 homeowner's insurance plans;

4 (v) A health benefit plan provided under Arkansas
5 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
6 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

7 (vi) A plan that provides only indemnity for
8 hospital confinement;

9 (vii) An accident-only plan;

10 (viii) A specified disease plan;

11 (ix) A long-term-care-only plan;

12 (x) A dental-only plan; or

13 (xi) A vision-only plan;

14 (4) "Healthcare insurer" means an entity subject to the
15 insurance laws of this state or the jurisdiction of the Insurance
16 Commissioner that contracts or offers to contract to provide health insurance
17 coverage, including without limitation an insurance company, a health
18 maintenance organization, a hospital medical service corporation, a self-
19 insured governmental or church plan in this state, or the Arkansas Medicaid
20 Program; and

21 (5) "Healthcare professional" means a person who is licensed,
22 certified, or otherwise authorized by the laws of this state to administer
23 health care in the ordinary course of the practice of his or her profession.

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25 23-79-2402. Coverage for birth mother screening for depression.

26 (a) A healthcare insurer that offers, issues, or renews a health
27 benefit plan in this state shall provide coverage for screening for
28 depression of the birth mother by a healthcare professional within the first
29 six (6) weeks of the birth mother's having given birth on or after January 1,
30 2024.

31 (b) The coverage for screening for depression of the birth mother
32 under this section:

33 (1) Is not subject to policy deductibles or copayment
34 requirements; and

35 (2) Does not diminish or limit benefits otherwise allowable
36 under a health benefit plan.

1 (c) Coverage provided for screening under subsection (a) of this
2 section for a government self-insured plan is subject to any health benefit
3 plan provisions that apply to other services covered by the health benefit
4 plan.

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/s/Pilkington