

HOUSE No. 4668

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act relative to post-partum depression..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Whereas, the general court finds that it is the policy of the commonwealth to provide its
2 residents with laws that protect the public health; and whereas, it is the policy of the
3 commonwealth to provide its residents with access to affordable, high-quality health care
4 insurance; and whereas, the general court has found the high human and economic impact of
5 undiagnosed post-partum depression, not only on mothers, but on babies, children, and whole
6 families, the general court finds the need to address the issue of perinatal depression. The
7 general court finds that all new mothers would benefit from screening for depression during
8 pregnancy and post-partum. The general court encourages the department of public health,
9 health care providers, non-profits and health insurance providers to engage on this particular
10 matter, and jointly, to develop a culture of awareness, de-stigmatization and screening for
11 perinatal depression, so that residents of the commonwealth may be assured of the most effective
12 and affordable provision of public health possible. The department shall engage on perinatal
13 depression as a public health priority, and may develop regulations, policies and resources as it
14 deems appropriate to address the issue of perinatal depression.

15 SECTION 2. (a) There shall be a special commission on postpartum depression to
16 provide guidance and advice to the governor, the general court and the secretary of health and
17 human services on current research on postpartum depression, including, but not limited to, best
18 and promising practices in the prevention, detection, and treatment of same and to recommend
19 policies, including legislation, to promote greater public awareness, screening and treatment of
20 postpartum depression. The special commission may conduct public hearings, forums or
21 meetings to gather information and to raise awareness of postpartum depression, including the
22 sponsorship of or participation in statewide or regional conferences.

23 (b) The commission shall be comprised of (i) 4 members of the senate, 3 of whom shall
24 be members of the majority party and 1 of whom shall be a member of the minority party who
25 shall be appointed by the minority leader; provided, however, that 1 member of the senate shall
26 be designated as co-chair of the commission; 4 members of the house of representatives, 3 of
27 whom shall be members of the majority party and 1 of whom shall be a member of the minority
28 party who shall be appointed by the minority leader; provided, however, that 1 member of the
29 house shall be designated as co-chair of the commission; (ii) the following 6 members, who shall
30 serve ex officio: the commissioner of the department of public health, the commissioner of the
31 department of mental health, the commissioner of insurance, the commissioner of the department
32 of children and families, the commissioner of early education and care, the director of Medicaid,
33 or their designees; (iii) 1 representative of the Massachusetts Chapter of the National Association
34 of Social Workers, 1 representative appointed jointly by the Massachusetts Midwives
35 Association and the Massachusetts Affiliate of the American College of Nurse Midwives who is
36 a midwife licensed to practice in Massachusetts, 1 representative from Nurses United for
37 Responsible Services, who shall be an advance practice psychiatric nurse, 1 representative from

38 the Massachusetts Coalition of Nurse Practitioners, who shall be a nurse practitioner, 1
39 representative of the Massachusetts Psychological Association, who shall be a psychologist, 1
40 representative from the children’s behavioral health advisory council established by Chapter 321
41 of the Acts of 2008, 1 representative from the Massachusetts Behavioral Health Partnership, or
42 any managed care organization or managed care entity contracting with MassHealth, 5
43 representatives of the Massachusetts Medical Society appointed in consultation with their
44 relevant specialty chapters including a pediatrician, an obstetrician, a family physician, a
45 psychiatrist, and a child and adolescent psychiatrist; (iv) 1 woman who has experienced
46 postpartum depression and 1 representative from a regionally-based nonprofit group currently
47 serving sufferers of postpartum depression, who shall be appointed by the co-chairs of the
48 commission; (v) 4 persons appointed by the commissioner of insurance with at least one
49 representative from the Massachusetts Association of Health Plans, and 3 representatives from
50 commercial health insurance carriers or managed care organizations doing business in the
51 commonwealth; and (vi) no more than 2 additional members appointed by the co-chairs of the
52 commission.

53 (c)The organizational meeting of the commission shall be convened by the co-chairs not
54 later than 60 days after the effective date of this act whether or not all of its members have been
55 appointed and qualified.

56 (d) The special commission shall make an investigation and study of postpartum
57 depression, including, but not limited to: (1) an assessment of current research on the subject and
58 whether there exist evidence-based, best or promising practices on the prevention, detection
59 and/or treatment of postpartum depression; (2) a review of current policies and practices with
60 respect to screenings for postpartum depression, including frequency, locations, who administers

61 them, the availability of reimbursement and issues surrounding medical necessity and third-party
62 coverage; (3) assist the department of public health, other state agencies and organizations in the
63 development of professional and public educational materials and programs on postpartum
64 depression, in the development of referral lists for postpartum depression treatment, building on
65 existing resources, and in the designation of authorized validated screening tools; (4) assist the
66 department of public health, other state agencies and organizations with respect to applications
67 for federal funding to support efforts consistent with the mission and purpose of the
68 commission; and any other matters that the special considers relevant to the fulfillment of its
69 mission and purpose.

70 (e) The special commission shall file an annual report at the end of each fiscal year with
71 the office of the governor, the clerk of the house of representatives and the clerk of the senate,
72 along with recommendations, if any, together with drafts of legislation necessary to carry those
73 recommendations into effect. The special commission may file such interim reports and
74 recommendations, as it considers appropriate.

75 SECTION 3. In consultation with the special commission, the department of public
76 health may develop regulations, policies and resources to address postpartum depression
77 including: public and professional education curricula, plans, and materials; referral lists,
78 building on existing resources; and the authorization of validated screening tools.

79 SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after
80 section 47Z the following section:-

81 Section 47AA. All health insurance companies licensed to do business in the
82 Commonwealth shall submit an annual report on their activities with respect to screening for

83 postpartum depression. The report shall be filed at the end of each fiscal year with the
84 commissioner of public health, the clerk of the house of representatives and the clerk of the
85 senate. Following receipt of the reports, the commissioner of public health shall issue an annual
86 summary of the reports, including highlighting best practices and effective policies.