3 Regular Session, 2023 HOUSE BILL 1035 4 By: Representative Pilkington 6 For An Act To Be Entitled 8 AN ACT TO REQUIRE SCREENING FOR DEPRESSION OF BIRTH 9 MOTHERS AT THE TIME OF BIRTH; TO MANDATE THAT 10 INSURANCE POLICIES COVER SCREENING FOR DEPRESSION OF 11 BIRTH MOTHERS AT THE TIME OF BIRTH; AND FOR OTHER 12 PURPOSES. 13 INSURANCE POLICIES COVER SCREENING FOR DEPRESSION OF 14 Subtitle 15 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. 21 22 22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 24 SECTION 1. Arkansas Code Title 20, Chapter 15, Subchapter 1, is amended to add an additional section to read as follows: 25 SECTION 1. Arkansas code Title 20, Chapter 15, Subchapter 1, is samended to add an additional section to read as follows: <th>1</th> <th>State of Arkansas</th> <th>A Bill</th> <th></th>	1	State of Arkansas	A Bill	
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35 patient's medical records that the birth mother was not screened for 36 depression based upon the refusal of the patient.		-		ened for



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1	(2) The record of a patient refusal relieves the physician and		
2	the healthcare provider of liability under this subsection.		
3	(c) Records, reports, data, or other information collected or		
4	maintained under this section that identify or could be used to identify an		
5	individual patient, healthcare provider, or institution are confidential and		
6	are not subject to disclosure under the Freedom of Information Act of 1967, §		
7	25-19-101 et seq., or subject to subpoena, discovery, or introduction into		
8	evidence in a civil proceeding.		
9			
10	SECTION 2. Arkansas Code Title 23, Chapter 79, is amended to add an		
11	additional subchapter to read as follows:		
12	<u>Subchapter 24 — Coverage for Birth Mother Screening for Depression</u>		
13			
14	<u>23-79-2401. Definitions.</u>		
15	As used in this subchapter:		
16	(1) "Birth mother" means the biological mother of a child;		
17	(2) "Depression" means a mental illness classified as a mood		
18	disorder that causes a persistent feeling of sadness and a loss of interest;		
19	(3)(A) "Health benefit plan" means:		
20	(i) An individual, blanket, or group plan or a		
21	policy, or contract for healthcare services issued or delivered by a		
22	healthcare insurer; and		
23	(ii) Any health benefit program receiving state or		
24	federal appropriations from the State of Arkansas, including the Arkansas		
25	Medicaid Program and the Arkansas Health and Opportunity for Me Program, or		
26	any successor program.		
27	(B) "Health benefit plan" includes:		
28	(i) Indemnity and managed care plans; and		
29	(ii) Nonfederal governmental plans as defined in 29		
30	U.S.C. § 1002(32), as it existed on January 1, 2024.		
31	(C) "Health benefit plan" does not include:		
32	(i) A disability income plan;		
33	(ii) A credit insurance plan;		
34	(iii) Insurance coverage issued as a supplement to		
35	liability insurance;		
36	(iv) A medical payment under automobile or		

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1	homeowner's insurance plans;	
2	(v) A health benefit plan provided under Arkansas	
3	Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et	
4	seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;	
5	(vi) A plan that provides only indemnity for	
6	hospital confinement;	
7	(vii) An accident-only plan;	
8	(viii) A specified disease plan;	
9	(ix) A long-term-care-only plan;	
10	(x) A dental-only plan; or	
11	(xi) A vision-only plan;	
12	(4) "Healthcare insurer" means an entity subject to the	
13	insurance laws of this state or the jurisdiction of the Insurance	
14	Commissioner that contracts or offers to contract to provide health insurance	
15	coverage, including without limitation an insurance company, a health	
16	maintenance organization, a hospital medical service corporation, a self-	
17	insured governmental or church plan in this state, or the Arkansas Medicaid	
18	Program; and	
19	(5) "Healthcare professional" means a person who is licensed,	
20	certified, or otherwise authorized by the laws of this state to administer	
21	health care in the ordinary course of the practice of his or her profession.	
22		
23	23-79-2402. Coverage for birth mother screening for depression.	
24	(a) A healthcare insurer that offers, issues, or renews a health	
25	benefit plan in this state shall provide coverage for screening for	
26	depression of the birth mother by a healthcare professional at the time of	
27	<u>birth on or after January 1, 2024.</u>	
28	(b) The coverage for screening for depression of the birth mother	
29	under this section:	
30	(1) Is not subject to policy deductibles or copayment	
31	requirements; and	
32	(2) Does not diminish or limit benefits otherwise allowable	
33	under a health benefit plan.	
34	(c) Coverage provided for screening under subsection (a) of this	
35	section for a government self-insured plan is subject to any health benefit	
36	plan provisions that apply to other services covered by the health benefit	

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