

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

# A Bill

HOUSE BILL 1035

5 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.  
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## Subtitle

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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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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Arkansas Code Title 20, Chapter 15, Subchapter 1, is  
26 amended to add an additional section to read as follows:

27 20-15-102. Depression screening for birth mothers at the time of  
28 birth.

29 (a) A physician or healthcare provider who is attending a birth in  
30 this state or any other person who is attending or providing medical  
31 treatment to a birth mother in this state shall facilitate a healthcare  
32 provider to screen the birth mother for depression at the time of birth.

33 (b)(1) If the birth mother declines to be screened for depression at  
34 the time of birth, the physician or healthcare provider shall record in the  
35 patient's medical records that the birth mother was not screened for  
36 depression based upon the refusal of the patient.



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.

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

12           Subchapter 24 – Coverage for Birth Mother Screening for Depression

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 14           23-79-2401. Definitions.

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

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.

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 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 birth on or after January 1, 2024.

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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