

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2127 Session of 2024

INTRODUCED BY FIEDLER, CURRY, BOROWSKI, MADDEN, SANCHEZ, BULLOCK, SCHLOSSBERG, KHAN, HANBIDGE, PROBST, ROZZI, BOYLE, HILL-EVANS, TAKAC, WAXMAN, FLEMING, CEPEDA-FREYTIZ, OTTEN, SHUSTERMAN, DEASY, HOWARD, STEELE, O'MARA, GILLEN, KRAJEWSKI, GREEN, CERRATO, WEBSTER, MAYES, SIEGEL, BRENNAN, HADDOCK, KINKEAD, D. MILLER, PARKER, HOHENSTEIN, FREEMAN, KENYATTA, KAZEEM, D. WILLIAMS, CEPHAS, ISAACSON, BOYD, SALISBURY AND YOUNG, APRIL 3, 2024

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 21, 2024

AN ACT

1 Requiring information relating to perinatal or postpartum mood
2 and anxiety disorders and resources and screening to be
3 provided to pregnant patients; and providing for powers and
4 duties of the Department of Health.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Short title.

8 This act shall be known and may be cited as the Perinatal and
9 Postpartum Screening Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall
12 have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 ~~"Clinical practice guideline." The Clinical Practice~~ <--
15 ~~Guideline of the American College of Obstetricians and~~

1 ~~Gynecologists titled "Screening and Diagnosis of Mental Health~~
2 ~~Conditions During Pregnancy and Postpartum Clinical Practice"~~
3 ~~(Number 4, published June 2023).~~

4 "BIRTH CENTER." AS DEFINED IN SECTION 802.1 OF THE ACT OF <--
5 JULY 19, 1979 (P.L.130, NO.48), KNOWN AS THE HEALTH CARE
6 FACILITIES ACT.

7 "Department." The Department of Health of the Commonwealth.

8 "HOSPITAL." AS DEFINED IN SECTION 802.1 OF THE HEALTH CARE <--
9 FACILITIES ACT.

10 "MIDWIFE OR NURSE-MIDWIFE." AS DEFINED IN SECTION 2 OF THE
11 ACT OF DECEMBER 20, 1985 (P.L.457, NO.112), KNOWN AS THE MEDICAL
12 PRACTICE ACT OF 1985.

13 "PHYSICIAN." EITHER:

14 (1) AS DEFINED IN SECTION 2 OF THE MEDICAL PRACTICE ACT
15 OF 1985.

16 (2) AS DEFINED IN SECTION 2 OF THE ACT OF OCTOBER 5,
17 1978 (P.L.1109, NO.261), KNOWN AS THE OSTEOPATHIC MEDICAL
18 PRACTICE ACT.

19 "PMAD." A perinatal or postpartum mood and anxiety disorder.

20 "PMAD QUESTIONNAIRE." A CLINICALLY VALID SCREENING TOOL FOR <--
21 PMAD THAT IS BASED ON BEST PRACTICES AND EVIDENCE-BASED RESEARCH
22 AND GUIDELINES.

23 Section 3. Resource information ~~and screening.~~ <--

24 (a) Duties.--A hospital, ~~birthing~~ BIRTH center, physician, <--
25 ~~nurse midwife or midwife~~ OR NURSE OR NURSE-MIDWIFE that provides <--
26 prenatal care to a pregnant patient during gestation,
27 stillbirth, delivery of an infant or postpartum shall:

28 (1) Provide the patient with a fact sheet, available in
29 ~~English, Spanish, Vietnamese and Mandarin Chinese~~ THE PRIMARY <--
30 LANGUAGE OF THE PATIENT, that includes common symptoms of the

1 medical conditions of PMAD and emotional traumas associated
2 with pregnancy and parenting. The fact sheet shall present,
3 in a prominent place, the following statement, translated to
4 the appropriate language:

5 Perinatal or postpartum mood and anxiety disorders
6 (PMADs) are serious medical conditions that require a
7 physician's evaluation and recommendations for
8 treatment. If you are suffering from any of the signs
9 and symptoms of these conditions, you should
10 immediately inform your ~~treating physician or~~ <--
11 ~~psychiatric physician~~ PSYCHIATRIST OR TREATING <--
12 PHYSICIAN.

13 (2) Provide the patient with a resource list of the
14 names, addresses and telephone numbers of professional
15 organizations that provide prenatal counseling, postpartum
16 counseling and assistance to parents. ~~The resource list shall~~ <--
17 ~~be available in English, Spanish, Vietnamese and Mandarin~~
18 ~~Chinese.~~

19 ~~(3) Require each pregnant patient to complete a~~

20 (B) RESOURCES TO OTHER INDIVIDUALS.--THE INFORMATION <--
21 PROVIDED TO THE PATIENT UNDER SUBSECTION (A) SHALL BE PROVIDED
22 TO ANY OTHER INDIVIDUALS WHO ACCOMPANY THE PATIENT TO A CHECK-UP
23 VISIT, SUBJECT TO THE PATIENT'S CONSENT, AS WELL AS TO ANY OTHER
24 INDIVIDUALS THAT THE PATIENT MAY DESIGNATE.

25 SECTION 4. PMAD SCREENING.

26 A PHYSICIAN OR NURSE OR NURSE-MIDWIFE THAT PROVIDES PRENATAL
27 OR POSTPARTUM CARE OR WELL-BABY CHECK-UPS SHALL:

28 (1) REQUEST EACH PREGNANT PATIENT TO COMPLETE A PMAD
29 questionnaire and review the completed questionnaire in
30 accordance with the CURRENT PMAD clinical practice guideline. <--

1 The PMAD questionnaire shall be ~~available in English,~~ <--
2 ~~Spanish, Vietnamese and Mandarin Chinese.~~

3 ~~(4) Require each patient to complete a questionnaire and~~
4 ~~review the completed questionnaire in accordance with the~~
5 ~~clinical practice guideline.~~

6 ~~(5) Require an infant's mother to complete a PROVIDED IN~~ <--
7 THE PRIMARY LANGUAGE OF THE PATIENT OR ADMINISTERED WITH THE
8 ASSISTANCE OF AN INTERPRETER.

9 (2) REQUEST AN INFANT'S MOTHER TO COMPLETE A
10 questionnaire at each well-baby checkup at which the mother
11 is present prior to the infant's first birthday and review
12 the completed questionnaire in accordance with the clinical
13 practice guideline.

14 ~~(6) Obtain~~ (3) REQUEST consent from the patient or <--
15 mother to share the information with the patient or mother's
16 primary licensed health care professional in accordance with
17 Federal law. ~~If the patient or mother is determined to~~ <--
18 ~~present an acute danger to herself or someone else, consent~~
19 ~~is not required.~~

20 ~~(7)~~ (4) Repeat assessments for perinatal mental health <--
21 disorders when, in the professional judgment of the licensed
22 health care professional, a reasonable possibility exists
23 that the patient suffers from perinatal mental health
24 disorders.

25 ~~(8) Document in the patient's record that the patient~~ <--
26 ~~received the information described in paragraph (1).~~

27 ~~(9) Retain the documentation for at least three years in~~
28 ~~the hospital's, birthing center's, physician's, nurse~~
29 ~~midwife's or midwife's records.~~

30 ~~(b) Resources to be included. The information under~~

1 ~~subsection (a) shall include resources a pregnant patient may~~
2 ~~contact to receive treatment, counseling and assistance for the~~
3 ~~medical conditions of PMAD and for emotional traumas associated~~
4 ~~with pregnancy and parenting.~~

5 ~~(c) Presumption of compliance. A hospital, birthing center,~~
6 ~~physician, nurse midwife or midwife that provides prenatal care~~
7 ~~to a patient during gestation or at delivery is presumed to have~~
8 ~~complied with this section if the patient received prior~~
9 ~~prenatal care from another hospital, birthing center, physician,~~
10 ~~nurse midwife or midwife in this Commonwealth during the same~~
11 ~~pregnancy.~~

12 ~~(d) Resources to other individuals. The information~~
13 ~~provided to the pregnant patient under subsection (a) shall be~~
14 ~~provided to any other individuals who accompany the pregnant~~
15 ~~patient to a check up visit, subject to the patient's consent,~~
16 ~~as well as to any other individuals that the patient may~~
17 ~~designate.~~

18 (5) PROVIDE INFORMATION DETAILED IN SECTION 3 AND <--
19 DOCUMENT IN THE PATIENT'S RECORD THAT THE PATIENT RECEIVED
20 THE INFORMATION.

21 Section 4 5. Powers and duties of department. <--

22 The department shall:

23 (1) Adopt and promulgate rules and regulations as
24 necessary to carry out the purposes and provisions of this
25 act.

26 (2) Enforce this act and the rules and regulations
27 promulgated under this act.

28 (3) Make available on the department's publicly
29 accessible Internet website a printable list of THE NAMES, <--
30 ADDRESSES AND TELEPHONE NUMBERS OF professional organizations

1 that provide pregnancy counseling and assistance to parents,
2 ~~along with a~~ INCLUDING ORGANIZATIONS THAT PROVIDE PRENATAL <--
3 COUNSELING, POSTPARTUM COUNSELING AND ASSISTANCE WITH PMAD.
4 THE DEPARTMENT SHALL ALSO MAKE AVAILABLE THE fact sheet and
5 the statement as referenced in section 3(a)(1). The
6 department shall publish both the resource list and fact
7 sheet in English, Spanish, Vietnamese, Mandarin Chinese and
8 other languages deemed appropriate by the department.

9 (4) Update the list required under paragraph (3) ~~on a~~ <--
10 ~~monthly basis~~. AS NEEDED. <--

11 (5) ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO INFORM THE
12 GENERAL PUBLIC ABOUT THE NATURE AND CAUSES OF POSTPARTUM
13 PERINATAL DEPRESSION AND ITS HEALTH IMPLICATIONS, INCLUDING
14 ITS SYMPTOMS, METHODS OF COPING WITH THE ILLNESS AND THE MOST
15 EFFECTIVE MEANS OF TREATMENT.

16 Section ~~5~~ 6. Effective date. <--

17 This act shall take effect ~~in 60 days~~. AS FOLLOWS: <--

18 (1) SECTION 4 SHALL TAKE EFFECT IN 180 DAYS.
19 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.
20 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 240
21 DAYS.