

AMENDED IN SENATE MAY 5, 2025

AMENDED IN SENATE MARCH 24, 2025

**SENATE BILL**

**No. 626**

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**Introduced by ~~Senator Smallwood-Cuevas~~ *Senators  
Smallwood-Cuevas and Cervantes*  
(Coauthor: Senator Valladares)**

February 20, 2025

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An act to amend Sections 1367.625 and 123640 of the Health and Safety Code, and to amend Section 10123.867 of the Insurance Code, relating to perinatal health.

LEGISLATIVE COUNSEL'S DIGEST

SB 626, as amended, Smallwood-Cuevas. Perinatal health screenings and treatment.

Existing law requires a licensed health care practitioner who provides prenatal, postpartum, or interpregnancy care for a patient to offer to screen or appropriately screen a mother for maternal mental health conditions. For purposes of that requirement, existing law defines “maternal mental health condition” to mean a mental health condition that occurs during pregnancy, the postpartum period, or interpregnancy, as specified.

This bill would modify the term “maternal mental health condition” to “perinatal mental health condition” and additionally include in its definition a mental health condition that occurs during the perinatal period. The bill would require a licensed health care practitioner who provides perinatal care for a patient to screen, diagnose, and treat the patient for a perinatal mental health condition ~~according to the clinical guidelines from the American College of Obstetricians and Gynecologists~~ *in accordance with applicable clinical guidelines or*

*standards appropriate to the provider's license, training, and scope of practice, as specified.*

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law requires a health care service plan or health insurer to develop a maternal mental health program designed to promote quality and cost-effective outcomes. Existing law requires the program to, among other things, conduct specified maternal mental health screenings during pregnancy and the postpartum period. For purposes of these provisions, existing law defines “maternal mental health” to mean a mental health condition that occurs during pregnancy or during the postpartum period, as specified.

This bill would modify the term “maternal mental health” to “perinatal mental health” and additionally include in its definition a mental health condition that occurs during the perinatal period, as specified. The bill would instead require the above-described program to include perinatal mental health screening to be conducted during pregnancy and during the postpartum and perinatal periods ~~according to clinical guidelines from the American College of Obstetricians and Gynecologists, in accordance with applicable clinical guidelines or standards appropriate to the provider's license, training, and scope of practice, as specified.~~ The bill would require a health care service plan or health insurer to provide case management and care coordination for an enrollee or insured during the perinatal period. The bill would require a plan or ~~insurers~~ *an insurer* to annually report the utilization and outcomes of case management services to the appropriate department and to post that reported information to its internet website. ~~The bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2026, to provide coverage for at least one medication and one digital therapeutic for perinatal mental health, as specified.~~ Because a willful violation of these provisions by a health care service plan would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1367.625 of the Health and Safety Code  
2     is amended to read:  
3     1367.625. (a) A health care service plan shall do all of the  
4     following:  
5     (1) (A) Develop a perinatal mental health program designed to  
6     promote quality and cost-effective outcomes. The program shall  
7     include perinatal mental health screening to be conducted during  
8     pregnancy and during the postpartum and perinatal periods  
9     ~~according to clinical guidelines from the American College of~~  
10    ~~Obstetricians and Gynecologists.~~ *in accordance with applicable*  
11    *clinical guidelines or standards appropriate to the provider's*  
12    *license, training, and scope of practice.* The program shall be  
13    developed consistent with sound clinical principles and processes,  
14    and shall include quality measures to encourage screening,  
15    diagnosis, treatment, and referral. The program guidelines and  
16    criteria shall be provided to relevant medical providers, including  
17    all contracting obstetric providers. As part of a perinatal mental  
18    health program, the health care service plan is encouraged to  
19    improve screening, treatment, *including through the use of*  
20    *medication and digital therapeutics approved for perinatal mental*  
21    *health by the United States Food and Drug Administration,* and  
22    referral to perinatal mental health services, include coverage for  
23    doulas, incentivize training opportunities for contracting obstetric  
24    providers, and educate enrollees about the program.  
25    (B) (i) *The guidelines and standards described in subparagraph*  
26    *(A) shall be guidelines adopted by the American College of*  
27    *Obstetricians and Gynecologists, unless those guidelines do not*  
28    *align with the provider's scope of practice.*  
29    (ii) *If the guidelines described in clause (i) do not align with*  
30    *the provider's scope of practice, the guidelines or standards may*  
31    *include, but are not limited to, guidelines or standards adopted*  
32    *by other recognized professional bodies.*  
33    (C) *This paragraph does not expand or alter a licensed*  
34    *provider's existing scope of practice.*

1 (2) Provide case management and care coordination for an  
2 enrollee during the perinatal period.

3 (3) Annually report to the department on the utilization and  
4 outcomes of case management services.

5 (4) Publicly post the information reported pursuant to paragraph  
6 (3) on the plan's internet website.

7 ~~(b) A health care service plan contract issued, amended, or~~  
8 ~~renewed on or after January 1, 2026, shall provide coverage for at~~  
9 ~~least one medication approved by the United States Food and Drug~~  
10 ~~Administration (FDA) for perinatal mental health and for at least~~  
11 ~~one FDA-approved digital therapeutic for perinatal mental health.~~

12 ~~(e)~~

13 (b) For the purposes of this section:

14 (1) "Contracting obstetric provider" means an individual who  
15 is certified or licensed pursuant to Division 2 (commencing with  
16 Section 500) of the Business and Professions Code, or an initiative  
17 act referred to in that division, and who is contracted with the  
18 enrollee's health care service plan to provide services under the  
19 enrollee's plan contract.

20 (2) "Health care service plan" includes Medi-Cal managed care  
21 plans that contract with the State Department of Health Care  
22 Services pursuant to Chapter 7 (commencing with Section 14000)  
23 and Chapter 8 (commencing with Section 14200) of Part 3 of  
24 Division 9 of the Welfare and Institutions Code. The State  
25 Department of Health Care Services shall seek any federal  
26 approvals it deems necessary to implement this section. This  
27 section applies to Medi-Cal managed care plan contracts only to  
28 the extent that the State Department of Health Care Services obtains  
29 any necessary federal approvals, and federal financial participation  
30 under the Medi-Cal program is available and not otherwise  
31 jeopardized.

32 (3) "Perinatal mental health" means a mental health condition  
33 that occurs during pregnancy, the postpartum period, or the  
34 perinatal period and includes, but is not limited to, postpartum or  
35 perinatal depression.

36 ~~(d)~~

37 (c) This section does not apply to specialized health care service  
38 plans, except specialized behavioral health-only plans offering  
39 professional mental health services.

40 ~~(e)~~

(d) Notwithstanding subdivision (a), a Medi-Cal managed care plan shall continue to comply with any quality measures required or adopted by the State Department of Health Care Services. Quality measures included in a Medi-Cal managed care plan's perinatal mental health program shall not be inconsistent with quality measures required or adopted by the State Department of Health Care Services.

(f)

(e) This section shall not be construed to limit access to additional treatment options for perinatal mental health.

SEC. 2. Section 123640 of the Health and Safety Code is amended to read:

123640. (a) A licensed health care practitioner who provides prenatal, postpartum, perinatal, or interpregnancy care for a patient shall ensure that the mother is offered screening or is appropriately screened for perinatal mental health conditions.

(b) (1) A licensed health care practitioner who provides perinatal care for a patient shall screen, diagnose, and treat the patient for a perinatal mental health condition ~~according to the clinical guidelines from the American College of Obstetricians and Gynecologists~~ in accordance with applicable clinical guidelines or standards appropriate to the provider's license, training, and scope of practice.

(2) (A) The guidelines and standards described in paragraph (1) shall be guidelines adopted by the American College of Obstetricians and Gynecologists, unless those guidelines do not align with the provider's scope of practice.

(B) If the guidelines described in subparagraph (A) do not align with the provider's scope of practice, the guidelines or standards may include, but are not limited to, guidelines or standards adopted by other recognized professional bodies.

(3) This subdivision does not expand or alter a licensed provider's existing scope of practice.

(c) This section shall not apply to a licensed health care practitioner when providing emergency services or care, as defined in Section 1317.1.

(d) This section does not preclude any licensed or certified provider acting within their scope of practice from screening for perinatal mental health conditions.

(e) For purposes of this section, the following definitions apply:

(1) “Health care practitioner” means a physician and surgeon, naturopathic doctor, nurse practitioner, physician assistant, nurse midwife, or a midwife licensed pursuant to Division 2 (commencing with Section 500) of the Business and Professions Code or an initiative act referred to in that division and who is acting within their scope of practice.

(2) “Perinatal mental health condition” means a mental health condition that occurs during pregnancy, the postpartum period, the perinatal period, or interpregnancy and includes, but is not limited to, postpartum or perinatal depression.

(f) *This section does not do any of the following:*

(1) *Require a health care practitioner to act outside the standard of care as defined by their relevant licensing board.*

(2) *Require adherence to specific clinical guidelines if those guidelines are inconsistent with the practitioner’s standard of care or scope of practice.*

(3) *Limit the authority of a licensing board to determine whether a practitioner has met the standard of care in disciplinary proceedings.*

(4) *Prevent a licensed midwife from referring a patient to a physician in accordance with Section 2507 of the Business and Professions Code when a condition exceeds their scope of practice.*

SEC. 3. Section 10123.867 of the Insurance Code is amended to read:

10123.867. (a) A health insurer shall do all of the following:

(1) (A) Develop a perinatal mental health program designed to promote quality and cost-effective outcomes. The program shall include perinatal mental health screening to be conducted during pregnancy and during the postpartum and perinatal periods ~~according to clinical guidelines from the American College of Obstetricians and Gynecologists.~~ *in accordance with applicable clinical guidelines or standards appropriate to the provider’s license, training, and scope of practice.* The program shall be developed consistent with sound clinical principles and processes, and shall include quality measures to encourage screening, diagnosis, treatment, and referral. The program guidelines and criteria shall be provided to relevant medical providers, including all contracting obstetric providers. As part of the perinatal mental health program, a health insurer is encouraged to improve screening, treatment, *including through the use of medication and*

1 *digital therapeutics approved for perinatal mental health by the*  
2 *United States Food and Drug Administration, and referral to*  
3 *perinatal mental health services, include coverage for doulas,*  
4 *incentivize training opportunities for contracting obstetric*  
5 *providers, and educate insureds about the program.*

6 *(B) (i) The guidelines and standards described in subparagraph*  
7 *(A) shall be guidelines adopted by the American College of*  
8 *Obstetricians and Gynecologists, unless those guidelines do not*  
9 *align with the provider's scope of practice.*

10 *(ii) If the guidelines described in clause (i) do not align with*  
11 *the provider's scope of practice, the guidelines or standards may*  
12 *include, but are not limited to, guidelines or standards adopted*  
13 *by other recognized professional bodies.*

14 *(C) This paragraph does not expand or alter a licensed*  
15 *provider's existing scope of practice.*

16 (2) Provide case management and care coordination for an  
17 insured during the perinatal period.

18 (3) Annually report to the department on the utilization and  
19 outcomes of case management services.

20 (4) Publicly post the information reported pursuant to paragraph  
21 (3) on the insurer's internet website.

22 ~~(b) A health insurance policy issued, amended, or renewed on~~  
23 ~~or after January 1, 2026, shall provide coverage for at least one~~  
24 ~~medication approved by the United States Food and Drug~~  
25 ~~Administration (FDA) for perinatal mental health and for at least~~  
26 ~~one FDA-approved digital therapeutic for perinatal mental health.~~

27 (e)

28 (b) For the purposes of this section:

29 (1) "Contracting obstetric provider" means an individual who  
30 is certified or licensed pursuant to Division 2 (commencing with  
31 Section 500) of the Business and Professions Code, or an initiative  
32 act referred to in that division, and who is contracted with the  
33 insured's health insurer to provide services under the insured's  
34 health insurance policy.

35 (2) "Perinatal mental health" means a mental health condition  
36 that occurs during pregnancy, the postpartum period, or the  
37 perinatal period and includes, but is not limited to, postpartum or  
38 perinatal depression.

39 (d)

1 (c) This section does not apply to specialized health insurers,  
2 except behavioral health-only insurers that provide coverage for  
3 professional mental health services.

4 (e)

5 (d) This section shall not be construed to limit access to  
6 additional treatment options for perinatal mental health.

7 SEC. 4. No reimbursement is required by this act pursuant to  
8 Section 6 of Article XIII B of the California Constitution because  
9 the only costs that may be incurred by a local agency or school  
10 district will be incurred because this act creates a new crime or  
11 infraction, eliminates a crime or infraction, or changes the penalty  
12 for a crime or infraction, within the meaning of Section 17556 of  
13 the Government Code, or changes the definition of a crime within  
14 the meaning of Section 6 of Article XIII B of the California  
15 Constitution.