

STATE OF NEW YORK

5634

2023-2024 Regular Sessions

IN SENATE

March 10, 2023

Introduced by Sen. WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the social services law, in relation to establishing a remote maternal health services pilot program for Medicaid recipients

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The social services law is amended by adding a new section
2 365-kk to read as follows:

3 § 365-kk. Remote maternal health services pilot program. 1. For the
4 purposes of this section, "remote maternal health services" means:

5 (a) the use of digital technology:

6 (i) to collect medical and other forms of health data from a patient
7 and electronically transmit that information securely to a healthcare
8 provider in a different location for interpretation and recommendation;
9 and

10 (ii) that is compliant with the federal Health Insurance Portability
11 and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.) and approved
12 by the federal food and drug administration; and

13 (b) the use of a device that:

14 (i) performs remote fetal monitoring, including maternal heart rate,
15 fetal heart rate, amniotic fluid, placenta location, and fetal presenta-
16 tion, tone, and movement;

17 (ii) measures physiological data, including blood pressure, pulse,
18 pulse oximetry, weight, blood glucose levels, or other physiologic data
19 determined to be medically necessary;

20 (iii) uses remote non-stress test technology;

21 (iv) uses remote ultrasound technology; or

22 (v) uses doppler effect technology.

23 2. The commissioner shall develop and implement a pilot program during
24 fiscal years two thousand twenty-three--two thousand twenty-four, two

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD09759-01-3

thousand twenty-four--two thousand twenty-five, and two thousand twenty-five--two thousand twenty-six to provide:

(a) remote maternal health services to a Medicaid recipient eligible under subdivision three of this section;

(b) medically necessary remote maternal health services to such an eligible Medicaid recipient for up to twelve months postpartum; and

(c) payment to healthcare providers who provide remote maternal health services that includes the cost of the remote patient monitoring devices being used.

3. A Medicaid recipient is eligible to receive remote maternal health services pursuant to the pilot program established by this section, if:

(a) the recipient is pregnant;

(b) the recipient's healthcare provider determines that remote maternal health services are in the best interest of the patient;

(c) the recipient's healthcare provider determines the recipient has an increased likelihood of experiencing a higher-risk pregnancy due to:

(i) existing health conditions, such as high blood pressure, polycystic ovary syndrome, diabetes, kidney disease, autoimmune disease, thyroid disease, obesity, HIV/AIDS, or Zika infection;

(ii) age factors, including teenage pregnancy or pregnancy after thirty-five years of age;

(iii) lifestyle factors, such as alcohol, tobacco, or drug use; or

(iv) conditions of pregnancy, including multiple gestation, gestational diabetes, preeclampsia, eclampsia, previous preterm births, or birth defects or genetic conditions in the fetus;

(d) the recipient lives in a county without a licensed obstetrician/gynecologist who participates in Medicaid;

(e) the recipient's healthcare provider determines the recipient is unable to access consistent obstetrical care due to factors that include transportation, child care, employment requirements, and socioeconomics; and

(f) the remote maternal health services meet the criteria of subdivision one of this section.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.