

STATE OF NEW YORK

5634--A

2023-2024 Regular Sessions

IN SENATE

March 10, 2023

Introduced by Sens. WEBB, ADDABBO, CLEARE, COMRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 physiological
19 data 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.

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

LBD09759-02-3

1 2. The commissioner shall develop and implement a pilot program during
2 fiscal years two thousand twenty-four--two thousand twenty-five, two
3 thousand twenty-five--two thousand twenty-six, and two thousand twenty-
4 six--two thousand twenty-seven to provide:

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

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

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

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

14 (a) the recipient is pregnant;

15 (b) the recipient's healthcare provider determines that remote mater-
16 nal health services are in the best interest of the patient;

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

19 (i) existing health conditions, such as high blood pressure, polycys-
20 tic ovary syndrome, diabetes, kidney disease, autoimmune disease,
21 thyroid disease, obesity, HIV/AIDS, or Zika infection;

22 (ii) age factors, including teenage pregnancy or pregnancy after thir-
23 ty-five years of age;

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

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

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

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

34 (f) the remote maternal health services meet the criteria of subdivi-
35 sion one of this section.

36 § 2. This act shall take effect on the first of April next succeeding
37 the date on which it shall have become a law.