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:

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

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

(a) the use of digital technology:

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

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

(b) the use of a device that:

(i) performs remote fetal monitoring, including maternal heart rate, fetal heart rate, amniotic fluid, placenta location, and fetal presentation, tone, and movement;

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

(iii) uses remote non-stress test technology;

(iv) uses remote ultrasound technology; or

(v) uses doppler effect technology.

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

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2. The commissioner shall develop and implement a pilot program during fiscal years two thousand twenty-four--two thousand twenty-five, two thousand twenty-five--two thousand twenty-six, and two thousand twenty-six--two thousand twenty-seven 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 first of April next succeeding the date on which it shall have become a law.