

STATE OF NEW YORK

5634--B

2023-2024 Regular Sessions

IN SENATE

March 10, 2023

Introduced by Sens. WEBB, ADDABBO, CLEARE, COMRIE, HOYLMAN-SIGAL, MYRIE -- 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 -- 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) uses remote non-stress test technology;

15 (ii) uses remote ultrasound technology; or

16 (iii) uses doppler effect technology.

17 2. The commissioner shall develop and implement a pilot program during
18 fiscal years two thousand twenty-four--two thousand twenty-five, two
19 thousand twenty-five--two thousand twenty-six, and two thousand twenty-
20 six--two thousand twenty-seven to provide:

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

LBD09759-04-3

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

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

5 (c) payment to healthcare providers who provide remote maternal health
6 services.

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

9 (a) the recipient is pregnant;

10 (b) the recipient's healthcare provider determines that remote mater-
11 nal health services meet the standard of care;

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

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

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

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

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

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

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

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

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