

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **Senate Bill 396**

By Senator Rucker

[Introduced January 12, 2024; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §9-5-34, relating to requiring the Department of Health and Human Resources  
 3 to allow reimbursement for remote ultrasound procedures and remote fetal nonstress tests  
 4 utilizing established CPT codes for these procedures when the patient is in a residence or  
 5 other off-site location from the patient's provider and the same standard of care is met.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. MISCELLANEOUS PROVISIONS.**

**§9-5-34. Medicaid program; remote ultrasound procedures and remote fetal nonstress tests.**

1 (a) The Department of Health and Human Resources shall allow reimbursement for  
 2 remote ultrasound procedures and remote fetal nonstress tests utilizing established CPT codes  
 3 for these procedures when the patient is in a residence or other off-site location from the patient's  
 4 provider and the same standard of care is met.

5 (b) Remote ultrasounds and remote fetal nonstress tests are only reimbursable when the  
 6 provider uses digital technology:

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

10 (2) That is compliant with the federal Health Insurance Portability and Accountability Act of  
 11 1996 (42 U.S.C. § 1320d et seq.); and

12 (3) Approved by the Federal Food and Drug Administration.

13 (4) For CPT Code 59025 – a fetal nonstress test, is only reimbursable with a place of  
 14 service modifier for at-home monitoring with remote monitoring solutions that are FDA cleared for  
 15 on-label use for monitoring fetal heart rate (FHR), maternal heart rate (MHR), and Uterine Activity  
 16 (UA)

17 (5) The department shall issue guidance to implement this sections.

18           (6) The department shall make payment for remote ultrasound procedures and remote  
19 fetal nonstress tests without requiring at least 30 days between the date of informed consent and  
20 the date of the remote ultrasound procedures and remote fetal nonstress tests.

NOTE: The purpose of this bill is to require the Department of Health and Human Resources to allow reimbursement for remote ultrasound procedures and remote fetal nonstress tests utilizing established CPT codes for these procedures when the patient is in a residence or other off-site location from the patient's provider and the same standard of care is met.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.