
SENATE BILL 5501

State of Washington

68th Legislature

2023 Regular Session

By Senators Keiser, Randall, Saldaña, and C. Wilson

Read first time 01/20/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to establishing a public education program to
2 reduce the incidence of stillbirth using a platform for recording and
3 tracking fetal movements; amending RCW 74.09.800 and 43.70.619;
4 adding a new section to chapter 74.09 RCW; and creating a new
5 section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.09
8 RCW to read as follows:

9 (1) Effective December 31, 2023, the Washington state count the
10 kicks program is established as a public education program focusing
11 on reducing the incidence of stillbirth. The authority shall use the
12 national count the kicks program framework as a model for the
13 Washington state count the kicks program. In collaboration with
14 relevant interested parties, the authority shall adopt a platform for
15 recording and tracking fetal movements and encouraging monitoring
16 practices for awareness of fetal movements.

17 (2) The count the kicks program shall be incorporated into the
18 maternity care access program as referenced in RCW 74.09.800.

19 (3) The authority shall adopt rules to implement this section.

1 **Sec. 2.** RCW 74.09.800 and 2011 1st sp.s. c 15 s 50 are each
2 amended to read as follows:

3 The authority shall, consistent with the state budget act,
4 develop a maternity care access program designed to ensure healthy
5 birth outcomes as follows:

6 (1) Provide maternity care services to low-income pregnant women
7 and health care services to children in poverty to the maximum extent
8 allowable under the medical assistance program, Title XIX of the
9 federal social security act;

10 (2) Provide maternity care services to low-income women who are
11 not eligible to receive such services under the medical assistance
12 program, Title XIX of the federal social security act;

13 (3) Have the following procedures in place to improve access to
14 maternity care services and eligibility determinations for pregnant
15 women applying for maternity care services under the medical
16 assistance program, Title XIX of the federal social security act:

17 (a) Use of a shortened and simplified application form;

18 (b) Outstationing authority staff to make eligibility
19 determinations;

20 (c) Establishing local plans at the county and regional level,
21 coordinated by the authority; and

22 (d) Conducting an interview for the purpose of determining
23 medical assistance eligibility within five working days of the date
24 of an application by a pregnant woman and making an eligibility
25 determination within fifteen working days of the date of application
26 by a pregnant woman;

27 (4) Establish a maternity care case management system that shall
28 assist at-risk eligible persons with obtaining medical assistance
29 benefits and receiving maternity care services, including
30 transportation and child care services;

31 (5) Within available resources, establish appropriate
32 reimbursement levels for maternity care providers;

33 (6) Implement a broad-based public education program that
34 stresses the importance of obtaining maternity care early during
35 pregnancy and reducing the incidence of stillbirth with programs
36 including, but not limited to, the national count the kicks program;

37 (7) Refer persons eligible for maternity care services under the
38 program established by this section to persons, agencies, or
39 organizations with maternity care service practices that primarily
40 emphasize healthy birth outcomes;

1 (8) Provide family planning services including information about
2 the synthetic progestin capsule implant form of contraception, for
3 twelve months immediately following a pregnancy to women who were
4 eligible for medical assistance under the maternity care access
5 program during that pregnancy or who were eligible only for emergency
6 labor and delivery services during that pregnancy; and

7 (9) Within available resources, provide family planning services
8 to women who meet the financial eligibility requirements for services
9 under subsections (1) and (2) of this section.

10 **Sec. 3.** RCW 43.70.619 and 2021 c 235 s 5 are each amended to
11 read as follows:

12 (1) By December 31, 2021, the department shall design, prepare,
13 and make available online, written materials to clearly inform health
14 care providers and staff of the provisions of, and authority to act
15 under, chapter 70.400 RCW.

16 (2) By December 31, 2023, the department shall design, prepare,
17 and make available online written materials to clearly inform health
18 care providers and staff of the evidence-based research and practices
19 that reduce the incidence of stillbirth. The materials shall include
20 information relating to the monitoring and tracking of fetal
21 movements. The materials may be developed in collaboration with
22 relevant interested parties and use applicable materials from other
23 programs including, but not limited to, the national count the kicks
24 program.

25 NEW SECTION. **Sec. 4.** This act may be known and cited as the
26 count the kicks act.

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