

2021 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVE WILLARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INSURANCE/HEALTH: Provides relative to maternity services of midwives and doulas

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

AN ACT

To enact R.S. 22:1059 and 1059.1 and Subpart B-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1244.1 and 1244.2, relative to health insurance coverage for midwifery and doula services; to require health insurance coverage for maternity services provided by midwives and doulas; to provide for legislative findings; to prohibit discrimination in reimbursement; to provide relative to the medical assistance program of this state commonly known as Medicaid; to provide for duties of the Louisiana Department of Health in administering the state Medicaid program; to provide relative to Medicaid reimbursement rates paid for delivery of certain maternity services; to establish minimum standards for Medicaid rates paid for health services furnished by certified nurse midwives and certified professional midwives; to define key terms; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1059 and 1059.1 are hereby enacted to read as follows:

§1059. Required coverage for services provided by midwives; reimbursement discrimination prohibited; definitions

A. The legislature hereby finds and affirms all of the following:

1 (1) Midwives are community-based practitioners who provide
2 comprehensive, holistic, individualized maternity care and alternative birthing
3 services to low-risk clients.

4 (2) Midwifery care is family-centered and individualized to consider the
5 unique cultural, ethnic, psychosocial, nutritional, and educational needs of the client
6 and supports healthy lifestyle habits that benefit the whole family.

7 (3) Midwives have made a tremendous contribution to the health and welfare
8 of mothers and the practice of midwifery continues to advance as a profession as
9 these providers comprise an increasing part of mainstream health care.

10 B.(1) Any health coverage plan delivered or issued for delivery in this state
11 that provides benefits for maternity services shall include coverage for healthcare
12 services provided by a midwife.

13 (2) The coverage provided for in this Section may be subject to annual
14 deductibles, coinsurance, and copayment provisions as are consistent with those
15 established under the health coverage plan.

16 C.(1) Whenever any health coverage plan delivered or issued for delivery in
17 this state provides for reimbursement of any services which are within the lawful
18 scope of practice of certified nurse midwives and certified professional midwives as
19 defined in R.S. 37:3241, the insured or other person entitled to benefits under the
20 health coverage plan shall be entitled to reimbursement for the services, whether the
21 services are performed by a physician or a midwife.

22 (2) There shall be no discrimination in the amount of reimbursement allowed
23 for the services, whether performed by a midwife or physician, in instances where
24 the services performed are within the lawful scope of practice of both professions.

25 (3) Terminology in any health coverage plan policy or contract deemed
26 discriminatory against certified nurse midwives, certified professional midwives, or
27 midwifery or that inhibits reimbursement for services at the in-network rate is void
28 and unenforceable.

29 D. For purposes of this Section, the following definitions apply:

1 (1) "Health coverage plan" means any hospital, health, or medical expense
2 insurance policy, hospital or medical service contract, employee welfare benefit plan,
3 contract, or other agreement with a health maintenance organization or a preferred
4 provider organization, health and accident insurance policy, or any other insurance
5 contract of this type in this state, including a group insurance plan, a self-insurance
6 plan, and the Office of Group Benefits programs. "Health coverage plan" does not
7 include a plan providing coverage for excepted benefits as defined in R.S. 22:1061,
8 limited benefit health insurance plans, and short-term policies that have a term of
9 less than twelve months.

10 (2) "Midwife" means a certified nurse midwife licensed by the Louisiana
11 State Board of Nursing in accordance with the provisions of R.S. 37:911 et seq. or
12 a certified professional midwife licensed pursuant to the Midwife Practitioners Act,
13 R.S. 37:3240 et seq.

14 §1059.1. Required coverage for services provided by doulas; reimbursement
15 discrimination prohibited; definitions

16 A. The legislature hereby finds and affirms all of the following:

17 (1) A doula is an individual who has been trained to provide physical,
18 emotional, and educational support, but not medical or midwifery care, to pregnant
19 and birthing women and their families before, during, and after childbirth.

20 (2) Leading professional societies, such as the American College of
21 Obstetricians and Gynecologists and the Society for Maternal-Fetal Medicine, and
22 federal agencies, such as the Centers for Disease Control and Prevention, the Health
23 Resources and Services Administration, and the Centers for Medicare and Medicaid
24 Services, have recognized the well-established benefits of doula services.

25 (3) Research has demonstrated that support from a doula is associated with
26 lower caesarian section rates, fewer obstetric interventions, fewer complications
27 during and after childbirth, decreased use of pain medication, shorter labor hours,
28 and higher scores on the APGAR test, which indicates how well the baby is doing
29 outside the womb.

1 (4) As Louisiana currently ranks as a state with one of the highest maternal
2 mortality rates in the United States, this state has an obligation to promote practices
3 that improve maternal health outcomes.

4 B.(1) Any health coverage plan delivered or issued for delivery in this state
5 that provides benefits for maternity services shall include coverage for services
6 provided by a doula before, during, and after childbirth.

7 (2) The coverage provided in this Section may be subject to annual
8 deductibles, coinsurance, and copayment provisions as are consistent with those
9 established under the health coverage plan.

10 (3) The requirements established by health coverage plans to insure the
11 services provided by a doula before, during, and after childbirth shall not be
12 construed to preclude a doula from practice in this state. A doula may opt to practice
13 in this state and forego any eligible reimbursement via a health coverage plan.

14 C. Terminology in any health coverage plan policy or contract deemed
15 discriminatory against doulas and doula services is void and unenforceable.

16 D. For purposes of this Section, the following definitions apply:

17 (1) "Health coverage plan" means any hospital, health, or medical expense
18 insurance policy, hospital or medical service contract, employee welfare benefit plan,
19 contract, or other agreement with a health maintenance organization or a preferred
20 provider organization, health and accident insurance policy, or any other insurance
21 contract of this type in this state, including a group insurance plan, a self-insurance
22 plan, and the Office of Group Benefits programs. "Health coverage plan" does not
23 include a plan providing coverage for excepted benefits as defined in R.S. 22:1061,
24 limited benefit health insurance plans, and short-term policies that have a term of
25 less than twelve months.

26 (2) "Doula" means an individual who has been trained to provide physical,
27 emotional, and educational support, but not medical or midwifery care, to pregnant
28 and birthing women and their families before, during, and after childbirth.

1 Section 2. Subpart B-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised
2 Statutes of 1950, comprised of R.S. 40:1244.1 and 1244.2, is hereby enacted to read as
3 follows:

4 SUBPART B-1. PROVIDER RATES FOR MIDWIVES

5 §1244.1. Definitions

6 As used in this Subpart, the following definitions apply:

7 (1) "Department" means the Louisiana Department of Health.

8 (2) "Medicaid" means the medical assistance program provided for in Title
9 XIX of the Social Security Act.

10 (3) "Medicare" means the federal health insurance program provided for in
11 Title XVIII of the Social Security Act.

12 (4) "Midwife" means a certified nurse midwife licensed by the Louisiana
13 State Board of Nursing in accordance with the provisions of R.S. 37:911 et seq. or
14 a certified professional midwife licensed pursuant to the Midwife Practitioners Act,
15 R.S. 37:3240 et seq.

16 §1244.2. Provider rates for midwives; rulemaking

17 A. In administering the Medicaid program of this state, the department shall
18 ensure that Medicaid reimbursement rates paid for health services delivered by
19 midwives are at least equal to the provider reimbursement rates paid by Medicare for
20 those services.

21 B. The department shall promulgate all such rules in accordance with the
22 Administrative Procedure Act as are necessary to implement the provisions of this
23 Subpart.

24 Section 3(A). Section 1 of this Act shall become effective on January 1, 2022.

25 (B) The provisions of Section 1 of this Act apply to any new policy, contract,
26 program, or health coverage plan issued on and after January 1, 2022. Any policy, contract,
27 or health coverage plan in effect prior to January 1, 2022, shall convert to conform to the
28 provisions of this Act on or before the renewal date, but no later than January 1, 2022.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 190 Original

2021 Regular Session

Willard

Abstract: Requires health insurance coverage for maternity services provided by certified nurse midwives, certified professional midwives, and doulas and further requires that Medicaid rates paid for health services delivered by midwives be at least equal to the Medicare rates for those services.

Proposed law requires any health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services to include coverage for healthcare services provided by a certified midwife, subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.

Proposed law provides that the insured or other person entitled to benefits under the health coverage plan is entitled to reimbursement for services within the lawful scope of practice of a midwife as defined in law.

Proposed law prohibits discrimination in the amount of reimbursement allowed for midwifery services, whether performed by a midwife or physician, in instances where the services performed are within the lawful scope of practice of both professions.

Proposed law requires any health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services to include coverage for services provided by a doula before, during, and after childbirth, subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.

Proposed law prohibits preclusion of doula practice through requirements of health coverage plans to insure their services. Further authorizes a doula to practice in this state while foregoing any eligible reimbursement via a health coverage plan.

Proposed law prohibits terminology in any health coverage plan policy or contract deemed discriminatory against midwives, the practice of midwifery, doulas, and doula services. Further prohibits terminology that inhibits reimbursement for midwifery services at the in-network rate.

Proposed law defines "health coverage plan", "midwife", "doula", "department", "Medicaid", and "Medicare".

Proposed law requires that in administering the Medicaid program of this state, the La. Department of Health (LDH) shall ensure that Medicaid reimbursement rates paid for health services delivered by licensed midwives are at least equal to the provider reimbursement rates paid by Medicare for those services.

Proposed law requires LDH to promulgate all such administrative rules as are necessary to implement the provisions of proposed law.

Proposed law (R.S. 22:1059 and 1059.1) becomes effective Jan. 1, 2022.

(Adds R.S. 22:1059 and 1059.1 and R.S. 40:1244.1 and 1244.2)