AN ACT

To enact R.S. 22:1059 and 1059.1, relative to health insurance coverage for midwifery and doula services; to provide relative to health insurance coverage for maternity services provided by midwives and doulas; to provide for legislative findings; to create the Louisiana Doula Registry Board and provide for its purpose, composition, and duties; to authorize rulemaking; to provide for definitions; 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) Midwives are community-based practitioners who provide comprehensive, holistic, individualized maternity care and alternative birthing services to low-risk clients.

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

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

B.(1) Any health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services shall include coverage for healthcare services provided by a midwife.
(2) The coverage provided for in this Section may be subject to annual
deductibles, coinsurance, and copayments. A health coverage plan shall not
differentiate between services performed by a midwife within his lawful scope of
practice and services by a physician with respect to copayment or annual deductible
amounts or coinsurance percentages.

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

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

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

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

(2) "Midwife" means a certified nurse midwife licensed by the Louisiana
State Board of Nursing in accordance with the provisions of R.S. 37:911 et seq. or
a certified professional midwife licensed pursuant to the Midwife Practitioners Act,
R.S. 37:3240 et seq.
§1059.1. Legislative findings; Louisiana Doula Registry Board; purpose; composition; duties of the board; rulemaking authority

A.(1) The legislature hereby finds and declares that research indicates maternal mortality, severe maternal morbidity, infant mortality, preterm birth, and unexpected outcomes of pregnancy and birth resulting in significant health consequences are rising in the United States, and that these outcomes occur more frequently in Louisiana than in other states. Louisiana has the highest maternal death rate in the nation and the second highest infant death rate in the nation.

(2) The benefits of doula care have been documented in numerous studies including the 2017 Cochrane Review of twenty-six trials of continuous labor support and doula care involving over fifteen thousand women in seventeen different countries. The numerous benefits of doula care include decreased cesarean sections, increased spontaneous vaginal births, shortened duration of birth, increased maternal satisfaction postpartum, improved breastfeeding rates, and lower rates of preterm labor and low birth weight.

B.(1)(a) The legislature hereby creates within the Louisiana Department of Health the Louisiana Doula Registry Board, hereafter referred to in this Section as the "doula registry board", for the purpose of reviewing and approving doula registration to allow for health insurance reimbursement of doula services.

(b) The doula registry board shall create the criteria for the registration application, review submitted doula registration applications, and grant registration status to doulas seeking health insurance reimbursement to promote safe and equitable care for every mother and every birth in this state.

(2) For purposes of this Section, "doula" means an individual who has been trained to provide physical, emotional, and educational support, but not medical or midwifery care, to pregnant and birthing women and their families before, during, and after childbirth.

C. The doula registry board shall perform all of the following tasks:

(1) Review applications for doulas to register to receive health insurance reimbursement in Louisiana.
(2) Approve applications to designate registered doula status.

(3) Notify applicants of approval or denial of doula registration status.

(4) Maintain a statewide registry of doulas approved for health insurance reimbursement in Louisiana.

D. (1) The doula registry board shall be composed of the following members:

(a) One representative of an organization providing doula services for people giving birth in Louisiana in Region 1 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(b) One representative of an organization providing doula services for people giving birth in Louisiana in Region 2 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(c) One representative of an organization providing doula services for people giving birth in Region 3 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(d) One representative of an organization providing doula services for people giving birth in Louisiana in Region 4 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(e) One representative of an organization providing doula services for people giving birth in Louisiana in Region 5 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(f) One representative of an organization providing doula services for people giving birth in Louisiana in Region 6 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(g) One representative of an organization providing doula services for people giving birth in Louisiana in Region 7 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(h) One representative of an organization providing doula services for people giving birth in Louisiana in Region 8 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.
(i) One representative of an organization providing doula services for people giving birth in Louisiana in Region 9 appointed by the medical director of the Louisiana Perinatal Quality Collaborative.

(j) One person with lived experience having used doula services for at least two births.

(k) One doula with lactation training.

(l) One representative from Sista Midwife Productions.

(m) One representative from Community Birth Companion.

(n) One representative from Birthmark Doula Collective.

(o) One representative from H.E.R. Institute.

(2) The doula registry board shall elect from among its members a practicing doula as chairperson.

(3) Members of the doula registry board shall serve without compensation for up to two years with the option for reappointment.

(4) The doula registry board shall hold quarterly public meetings unless otherwise provided by vote of the doula registry board or by order of the chairperson.

(5) The doula registry board may establish subcommittees and appoint persons to those subcommittees, including persons who are not board members, nor voting members, as it deems necessary and appropriate to accomplish its goals.

E. Members of the nonvoting subcommittee shall include and are not limited to all of the following:

(1) One representative of New Orleans Breastfeeding Center.

(2) One representative of March of Dimes.

(3) One representative of National Birth Equity Collaborative.

(4) One representative of Institute of Women & Ethnic Studies.

(5) One obstetrician with demonstrated work rooted in community, health equity, and training in equitable practices.

(6) One certified professional midwife.

(7) One certified nurse midwife.

(8) One community nurse practitioner.
(9) One representative from Louisiana Medicaid.

(10) One representative from Louisiana Hospital Association.

(11) One representative from each private health insurer in Louisiana as determined by the doula registry board.

F. The regional representatives described in Paragraph (D)(1) of this Section shall be appointed from the regions specified on the Administrative Regions and Districts map of the Louisiana Department of Health, hereinafter referred to as the "department".

G. The department shall promulgate all such rules in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Section.

H. The department shall provide staff support to the doula registry board.

I. Nothing in this Section prohibits any person from practicing as a doula in this state, regardless of whether such person is registered in accordance with the provisions of this Section.

Section 2.(A) This Act shall become effective on January 1, 2022.

(B) The provisions of this Act apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2022. Any policy, contract, or health coverage plan in effect prior to January 1, 2022, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2023.