

ACT No. 182

2021 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVES WILLARD, GARY CARTER, COX, DUBUISSON, DUPLESSIS, EDMONSTON, EMERSON, GAINES, GREEN, HILFERTY, HUGHES, JAMES, JONES, JORDAN, LANDRY, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, NEWELL, PIERRE, AND SELDERS

1 AN ACT

2 To enact R.S. 22:1059 and 1059.1, relative to health insurance coverage for midwifery and
3 doula services; to provide relative to health insurance coverage for maternity services
4 provided by midwives and doulas; to provide for legislative findings; to create the
5 Louisiana Doula Registry Board and provide for its purpose, composition, and
6 duties; to authorize rulemaking; to provide for definitions; to provide for
7 applicability; to provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

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

10 §1059. Required coverage for services provided by midwives; reimbursement
11 discrimination prohibited; definitions

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

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

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

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

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

1 (2) The coverage provided for in this Section may be subject to annual
 2 deductibles, coinsurance, and copayments. A health coverage plan shall not
 3 differentiate between services performed by a midwife within his lawful scope of
 4 practice and services by a physician with respect to copayment or annual deductible
 5 amounts or coinsurance percentages.

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

12 (2) Terminology in any health coverage plan policy or contract deemed
 13 discriminatory against certified nurse midwives, certified professional midwives, or
 14 midwifery or that inhibits reimbursement for services at the in-network rate is void
 15 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) "Midwife" means a certified nurse midwife licensed by the Louisiana
 27 State Board of Nursing in accordance with the provisions of R.S. 37:911 et seq. or
 28 a certified professional midwife licensed pursuant to the Midwife Practitioners Act,
 29 R.S. 37:3240 et seq.

1 §1059.1. Legislative findings; Louisiana Doula Registry Board; purpose;
2 composition; duties of the board; rulemaking authority

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

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

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

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

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

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

29 (1) Review applications for doulas to register to receive health insurance
30 reimbursement in Louisiana.

1 (2) Approve applications to designate registered doula status.

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (k) One doula with lactation training.

7 (l) One representative from Sista Midwife Productions.

8 (m) One representative from Community Birth Companion.

9 (n) One representative from Birthmark Doula Collective.

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

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

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

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

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

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

22 (1) One representative of New Orleans Breastfeeding Center.

23 (2) One representative of March of Dimes.

24 (3) One representative of National Birth Equity Collaborative.

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

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

28 (6) One certified professional midwife.

29 (7) One certified nurse midwife.

30 (8) One community nurse practitioner.

1 (9) One representative from Louisiana Medicaid.

2 (10) One representative from Louisiana Hospital Association.

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

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

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

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

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

