

2024 Regular Session

HOUSE BILL NO. 702

BY REPRESENTATIVE WILLARD

MEDICAID: Provides for Medicaid coverage and support for doula services

1 AN ACT

2 To enact Part V of Chapter 8 of Title 46 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of R.S. 46:977.32 through 977.34, relative to Medicaid insurance  
4 coverage for doula services; to provide for legislative findings; to provide for  
5 definitions; to require Medicaid coverage for maternity services provided by doulas;  
6 to provide for enrollment qualifications; to assign certain duties to the Louisiana  
7 Department of Health; to provide for an effective date; and to provide for related  
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part V of Chapter 8 of Title 46 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 46:977.32 through 977.34, is hereby enacted to read as follows:

12 PART V. MEDICAID AND HEALTH INSURANCE COVERAGE FOR DOULAS

13 §977.32. Legislative findings

14 The legislature hereby finds and affirms all of the following:

15 A. Leading professional societies, such as the American College of  
16 Obstetricians and Gynecologists and the Society for Maternal-Fetal Medicine, and  
17 federal agencies, such as the Centers for Disease Control and Prevention, the Health  
18 Resources and Services Administration, and the Centers for Medicare and Medicaid  
19 Services, have recognized the well-established benefits of doula services.

1           B. Research has demonstrated that support from a doula is associated with  
2           lower cesarean section rates, fewer obstetric interventions, fewer complications  
3           during and after childbirth, decreased use of pain medication, shorter labor hours,  
4           and higher scores on the Appearance, Pulse, Grimace, Activity, and Respiration  
5           (APGAR) test, which indicates how well the baby is doing outside the womb.

6           C. As a state, Louisiana has one of the highest maternal mortality rates in the  
7           United States, which is indicative of a maternity problem. Taking that statistic into  
8           consideration, it is evident that this state has an obligation to promote practices that  
9           improve maternal health outcomes.

10          §977.33. Definitions; health coverage; policy provisions

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

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

15           (2) "Doula treatment or care" means any maternal healthcare services  
16           rendered by a registered doula in this state.

17           B. Any Medicaid coverage plan delivered or issued for delivery in this state  
18           that provides benefits for maternity services shall include coverage for services  
19           provided by a doula before, during, and after childbirth as provided in R.S.  
20           40:977.34. The coverage may also be subject to a minimum service rate per  
21           pregnancy of one thousand two hundred fifty dollars.

22           C. Doula services shall include but not be limited to all of the following:

23           (1) Support and assistance during labor and childbirth.

24           (2) Prenatal and postpartum support and education.

25           (3) Breastfeeding assistance and lactation support.

26           (4) Parenting education.

27           (5) Support for a birthing woman after the loss of a pregnancy.

28           D. At minimum, each Medicaid plan shall comply with the provisions in  
29           R.S. 40:977.34 and provide coverage for the following services:

1                   (1) Five prenatal visits for up to ninety minutes.

2                   (2) Three postpartum visits for up to ninety minutes.

3                   (3) Assistance and attendance during labor and birth including Cesarean  
4 deliveries.

5                   E.(1) The requirements established by Medicaid managed care plans to  
6 insure the services provided by a doula before, during, and after childbirth shall not  
7 be construed to preclude a doula from practice in this state.

8                   (2)(a) A doula may opt to practice in this state and forego any eligible  
9 reimbursement via a health coverage plan.

10                   (b) Doulas opting for reimbursement via a Medicaid managed care plan shall  
11 have approved registration by the Louisiana Doula Registry Board.

12                   F. All doulas with approved registration with the Louisiana Doula Registry  
13 Board shall have acceptance as a provider of such services with all Louisiana  
14 Medicaid plans.

15                   G. Terminology in any Medicaid managed care plan or contract deemed  
16 discriminatory against doulas and doula services is void and unenforceable.

17                   H. The provisions of Subsection B of this Section shall apply to any new  
18 Medicaid managed care plan issued on and after August 1, 2024. Any Medicaid  
19 managed care plan in effect prior to August 1, 2024 shall convert to conform to the  
20 provisions of this Part on or before the renewal date, but no later than January 1,  
21 2025.

22                   §977.34. Required Medicaid coverage for doulas

23                   A. The Louisiana Medicaid program shall cover inpatient and, if deemed  
24 appropriate, outpatient coverage for doula treatment or care when such care or  
25 treatment is used for a medically accepted indication and administered in any  
26 healthcare facility by any healthcare professional appropriately licensed in this state  
27 to provide doula treatment or care in accordance with state and federal guidelines or  
28 certifications.

1           B. Any healthcare facility appropriately providing doula treatment or care  
2           in accordance with state and federal guidelines or certifications that participates in  
3           the Louisiana Medicaid program shall provide doula treatment or care to an  
4           individual who is eligible for such enrollment as defined in Subsection C of this  
5           Section.

6           C. A prospective enrollee shall be considered eligible for doula treatment  
7           or care enrollment if the individual satisfies all of the following qualifications:

8                   (1) The individual is enrolled in the Louisiana Medicaid program.

9                   (2) A licensed healthcare provider has certified that the individual is  
10           pregnant or in the postpartum period.

11                   (3) The doula treatment or care is administered in any healthcare facility  
12           appropriately providing doula treatment or care in accordance with state and federal  
13           guidelines or certifications. Doula care within the scope of services to provide  
14           support to the individual shall be eligible for coverage to meet minimum coverage  
15           standards external to the healthcare facility.

16           D. Pursuant to this Section, the secretary of the department shall do all of the  
17           following:

18                   (1) Submit to the Centers for Medicare and Medicaid Services all necessary  
19           state plan amendments.

20                   (2) Promulgate and adopt all necessary rules and regulations in accordance  
21           with the Administrative Procedure Act.

22                   (3) Take any other actions necessary to implement the provisions of this Part.

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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)]

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HB 702 Engrossed

2024 Regular Session

Willard

**Abstract:** Requires Medicaid coverage for doula services.

Proposed law provides legislative findings that list leading professional societies that recognize the well-established benefits of doula services and the research that demonstrates the benefits of doula support.

Proposed law defines "doula" and "doula treatment or care".

Proposed law requires any Medicaid coverage plan delivered or issued for delivery in this state that provides benefits for maternity services to provide coverage for services provided by a doula before, during, and after childbirth.

Proposed law provides that the Medicaid coverage may also be subject to a minimum service rate per pregnancy of \$1,250.

Proposed law provides that the doula services shall include but not be limited to all of the following:

- (1) Support and assistance during labor and childbirth.
- (2) Prenatal and postpartum support and education.
- (3) Breastfeeding assistance and lactation support.
- (4) Parenting education.
- (5) Support for a birthing person after the loss of a pregnancy.

Proposed law provides that, at a minimum, each Medicaid plan must comply with the provisions of proposed law and provide coverage for the following services:

- (1) 5 prenatal visits for up to 90 minutes.
- (2) 3 postpartum visits for up to 90 minutes.
- (3) Assistance and attendance during labor and birth, including Cesarean deliveries.

Proposed law allows a doula to opt to practice in this state and forego any eligible reimbursement via Medicaid.

Proposed law provides that doulas opting for reimbursement via a health coverage plan must have approved registration with the La. Doula Registry Board.

Proposed law requires all doulas with approved registration by the La. Doula Registry Board to have acceptance as a provider of such services with all state Medicaid plans.

Proposed law prohibits any Medicaid plan or contract that contains discriminatory terminology against doulas and doula services.

Proposed law provides that the provisions of proposed law are applicable to any new policy, contract, program, or Medicaid plan issued on and after Aug. 1, 2024. Proposed law further provides that any policy, contract, or Medicaid plan in effect prior to Aug. 1, 2024 shall be converted to conform to the provisions of proposed law on or before the renewal date, but no later than Jan. 1, 2025.

Proposed law requires the healthcare provider to make a determination of the individual's pregnancy or postpartum status.

Proposed law establishes certain requirements for the secretary of LDH in compliance with proposed law.

Proposed law requires doula care to be eligible for coverage to meet minimum standards outside of the healthcare facility.

(Adds R.S. 46:977.32-977.34)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Change the requirements for Medicaid coverage from 3 prenatal visits that last up to 90 minutes to 5.
2. Add the performance of Cesarean deliveries to the provision that requires doula assistance and attendance during labor and childbirth.
3. Remove the requirement for a healthcare facility to determine a prospective enrollee's eligibility for coverage.
4. Insert language that requires a determination of the individual's pregnancy or postpartum status.
5. Require doula care to be eligible for coverage and meet minimum standards outside of the healthcare facility.
6. Make technical corrections.