

HOUSE BILL 669

J1, J2

2lr1283
CF SB 503

By: ~~Delegate Wilkins~~ Delegates Wilkins, Bridges, Charkoudian, Wells, Pendergrass, Pena-Melnyk, Bagnall, Belcastro, Bhandari, Carr, Cullison, Hill, Johnson, Kaiser, Kelly, Kerr, Kipke, Krebs, Landis, R. Lewis, Rosenberg, Sample-Hughes, and K. Young

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2022

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Doula Services – Coverage**

3 FOR the purpose of requiring a provider to meet certain requirements in order to provide
4 doula services in the Maryland Medical Assistance Program; requiring the Maryland
5 Medical Assistance Program to cover certain doula services; and generally relating
6 to doula services under the Maryland Medical Assistance Program.

7 BY adding to

8 Article – Health – General

9 Section 15–141.3

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2021 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Health – General**

15 **15–141.3.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2) “BIRTHING PARENT” MEANS THE INDIVIDUAL GIVING BIRTH AND
2 WHO IS RECEIVING DOULA SERVICES THROUGHOUT THE PARENT’S PREGNANCY,
3 INCLUDING THE PRENATAL, LABOR, AND POSTPARTUM PERIODS.

4 (3) “CERTIFIED DOULA” MEANS A TRAINED NONMEDICAL
5 PROFESSIONAL WHO PROVIDES CONTINUOUS PHYSICAL, EMOTIONAL, AND
6 INFORMATIONAL SUPPORT TO THE BIRTHING PARENT THROUGHOUT THE
7 PRENATAL, LABOR, AND POSTPARTUM PERIODS WHO HAS RECEIVED A
8 CERTIFICATION TO PERFORM DOULA SERVICES APPROVED BY THE PROGRAM.

9 (4) “DOULA SERVICES” MEANS CONTINUOUS AND NONCLINICAL
10 PHYSICAL, EMOTIONAL, AND INFORMATIONAL SUPPORT, BASED ON
11 EVIDENCE-BASED PRACTICES AND WITH RESPECT FOR INDIVIDUAL CARE NEEDS,
12 CULTURE, AND FAMILY TRADITIONS, TO A BIRTHING PARENT PROVIDED BY A
13 CERTIFIED DOULA, INCLUDING:

14 (I) EDUCATION AND GUIDANCE, SUPPLEMENTING THE
15 SERVICES OF HEALTH CARE PROVIDERS, ON CHILDBIRTH, COPING SKILLS FOR NEW
16 PARENTS, BREASTFEEDING, INFANT FEEDING, INFANT SOOTHING, AND MAKING
17 INFORMED DECISIONS ABOUT CHILDBIRTH AND POSTPARTUM CARE;

18 (II) ~~PRENATAL COUNSELING~~ COACHING;

19 (III) SUPPORT FOR OTHER INDIVIDUALS PROVIDING CARE FOR A
20 BIRTHING PARENT, INCLUDING A BIRTHING PARENT’S PARTNER AND FAMILY
21 MEMBERS; AND

22 (IV) FACILITATION OF ACCESS TO RESOURCES THAT CAN
23 IMPROVE BIRTH-RELATED OUTCOMES, INCLUDING ONGOING HOME VISITING
24 SERVICES, TRANSPORTATION, HOUSING, THE SPECIAL SUPPLEMENTAL NUTRITION
25 PROGRAM FOR WOMEN, INFANTS AND CHILDREN, THE SUPPLEMENTAL NUTRITION
26 ASSISTANCE PROGRAM WIC, INTIMATE PARTNER VIOLENCE RESOURCES, AND
27 ALCOHOL, TOBACCO, AND DRUG CESSATION.

28 (5) “HOME” MEANS THE RESIDENCE OF THE BIRTHING PARENT.

29 (6) “LABOR AND DELIVERY” MEANS THE PERIOD DURING WHICH THE
30 FETUS, MEMBRANES, UMBILICAL CORD, AND PLACENTA ARE EXPELLED FROM THE
31 UTERUS THROUGH VAGINAL BIRTH OR THROUGH SURGICAL DELIVERY BY A
32 CESAREAN SECTION.

33 (7) “MEDICALLY ~~NECESSARY~~ INDICATED” MEANS THAT A SERVICE OR
34 BENEFIT ~~IS~~ MEETS THE COVERAGE REQUIREMENTS SET BY THE DEPARTMENT.

1 ~~(I) DIRECTLY RELATED TO DIAGNOSTIC, PREVENTIVE,~~
 2 ~~CURATIVE, PALLIATIVE, REHABILITATIVE, OR AMELIORATIVE TREATMENT OF AN~~
 3 ~~ILLNESS, AN INJURY, A DISABILITY, OR A HEALTH CONDITION;~~

4 ~~(II) CONSISTENT WITH ACCEPTED STANDARDS OF GOOD~~
 5 ~~MEDICAL PRACTICE;~~

6 ~~(III) THE MOST COST EFFICIENT SERVICE THAT CAN BE~~
 7 ~~PROVIDED WITHOUT SACRIFICING EFFECTIVENESS OR ACCESS TO CARE; AND~~

8 ~~(IV) NOT PRIMARILY FOR THE CONVENIENCE OF A CONSUMER,~~
 9 ~~FAMILY, OR PROVIDER.~~

10 (8) "PARTICIPATING DOULA" MEANS AN INDIVIDUAL WHO:

11 (I) MEETS THE CERTIFICATION REQUIREMENTS AS PROVIDED
 12 IN SUBSECTION ~~(c)~~ (D) OF THIS SECTION; AND

13 (II) IS AUTHORIZED BY THE DEPARTMENT TO PROVIDE HEALTH
 14 CARE SERVICES TO A PROGRAM RECIPIENT.

15 ~~(9) "POSTPARTUM PERIOD" MEANS THE PERIOD WITHIN 180 DAYS~~
 16 ~~AFTER THE CONCLUSION OF LABOR AND DELIVERY;~~

17 ~~(10)~~ (9) "PROVIDER" MEANS AN INDIVIDUAL, AN ASSOCIATION, A
 18 PARTNERSHIP, OR AN INCORPORATED OR UNINCORPORATED GROUP OF DOULAS
 19 CERTIFIED TO PROVIDE DOULA SERVICES AND WHO, THROUGH AN APPROPRIATE
 20 AGREEMENT WITH THE DEPARTMENT, HAS BEEN IDENTIFIED AS A PROGRAM
 21 PROVIDER BY THE ISSUANCE OF AN INDIVIDUAL ACCOUNT NUMBER.

22 (B) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF
 23 THE HEALTH SERVICES COST REVIEW COMMISSION TO SET THE APPROPRIATE
 24 RATES FOR HOSPITAL SERVICES.

25 ~~(B)~~ (C) THE DEPARTMENT SHALL:

26 (1) ENSURE THAT DOULAS PROVIDING CARE UNDER THE PROGRAM
 27 ARE PARTICIPATING DOULAS;

28 (2) REVIEW PARTICIPATION IN THE PROGRAM OF PARTICIPATING
 29 DOULAS AND PROGRAM RECIPIENTS; AND

1 **(3) EVALUATE THE EFFECTIVENESS OF DOULA SERVICES COVERED**
 2 **BY THE PROGRAM.**

3 ~~(C)~~ **(D) A PROVIDER SHALL:**

4 **(1) BE CERTIFIED BY AN ORGANIZATION APPROVED BY THE**
 5 **DEPARTMENT; AND**

6 **(2) PRESENT PROOF TO THE DEPARTMENT OF COMPLETION OF THE**
 7 **ASSOCIATED CERTIFICATION FROM AT LEAST ONE ORGANIZATION BEFORE**
 8 **PROVIDING DOULA SERVICES THROUGH THE PROGRAM.**

9 ~~(D)~~ **(E) TO PARTICIPATE IN THE PROGRAM, A PROVIDER SHALL:**

10 **(1) MEET THE REQUIREMENTS OF COMAR 10.09.36.03 TO**
 11 **PARTICIPATE IN THE PROGRAM;**

12 **(2) MAINTAIN UP-TO-DATE CERTIFICATION AS REQUIRED BY THE**
 13 **PROGRAM; AND**

14 **(3) HOLD ADEQUATE LIABILITY INSURANCE.**

15 ~~(E)~~ **(F) (1) THE PROGRAM SHALL COVER DOULA SERVICES THAT:**

16 **(I) ARE MEDICALLY ~~NECESSARY~~ INDICATED;**

17 **(II) ARE PROVIDED DURING THE PRENATAL, LABOR AND**
 18 **DELIVERY, OR POSTPARTUM PERIOD OF A BIRTHING PARENT; AND**

19 **(III) IF PROVIDED REMOTELY, COMPLY WITH THE TELEHEALTH**
 20 **REQUIREMENTS IN COMAR 10.09.49 AND OTHER RELEVANT STATE AND FEDERAL**
 21 **LAW.**

22 **(2) DOULA SERVICES COVERED BY THE PROGRAM ARE SUBJECT TO**
 23 **ANY LIMITATIONS ADOPTED BY THE DEPARTMENT.**

24 ~~(F)~~ **(G) (1) A PROVIDER SHALL SUBMIT A REQUEST FOR PAYMENT IN**
 25 **THE FORMAT DESIGNATED BY THE PROGRAM.**

26 **(2) THE PROGRAM MAY RETURN TO THE PROVIDER, BEFORE**
 27 **PAYMENT, ANY INVOICES THAT ARE NOT PROPERLY:**

28 **(I) SIGNED;**

29 **(II) COMPLETED; OR**

1 (III) ACCOMPANIED BY PROPERLY COMPLETED FORMS
2 REQUIRED BY THE PROGRAM.

3 (3) (I) A PROVIDER MAY CHARGE THE PROGRAM AND THE
4 PROGRAM SHALL REIMBURSE A PROVIDER.

5 (II) A CHARGE BY A PROVIDER MAY BE DIFFERENT FROM A
6 CUSTOMARY CHARGE BY THE PROVIDER FOR THE SAME SERVICE.

7 (III) THE PROGRAM SHALL PAY FOR COVERED SERVICES AT A
8 RATE EQUAL TO THE LESSER OF:

9 1. THE CUSTOMARY CHARGE THE PROVIDER CHARGES
10 TO THE GENERAL PUBLIC, UNLESS THE SERVICES ARE FREE TO INDIVIDUALS NOT
11 COVERED BY THE PROGRAM; OR

12 2. THE PROGRAM'S FEE SCHEDULE.

13 ~~(G)~~ (H) A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE
14 PROGRAM SHALL PROVIDE MEDICALLY ~~NECESSARY~~ INDICATED DOULA SERVICES
15 ~~AND HOME VISITING SERVICES~~ TO PREGNANT AND POSTPARTUM ENROLLEES.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2022.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.