

SENATE BILL 166

J1, J2
SB 163/21 – FIN

2lr1081

By: **Senator Ellis**

Introduced and read first time: January 12, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of establishing the Maryland Medical Assistance Program Doula
4 Program; requiring the Maryland Department of Health to administer the Doula
5 Program; requiring a provider to meet certain requirements in order to participate
6 in the Doula Program; requiring the Maryland Medical Assistance Program to cover
7 certain doula services, with certain limitations; and generally relating to the
8 Maryland Medical Assistance Program Doula Program.

9 BY adding to

10 Article – Health – General
11 Section 15–141.3
12 Annotated Code of Maryland
13 (2019 Replacement Volume and 2021 Supplement)

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

16 **Article – Health – General**

17 **15–141.3.**

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

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

23 (3) “CERTIFIED DOULA” MEANS A TRAINED NONMEDICAL

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PROFESSIONAL WHO PROVIDES CONTINUOUS PHYSICAL, EMOTIONAL, AND
2 INFORMATIONAL SUPPORT TO THE BIRTHING PARENT THROUGHOUT THE
3 PRENATAL, LABOR, AND POSTPARTUM PERIODS WHO HAS RECEIVED A
4 CERTIFICATION TO PERFORM DOULA SERVICES APPROVED BY THE PROGRAM.

5 (4) "DOULA PROGRAM" MEANS THE MARYLAND MEDICAL
6 ASSISTANCE PROGRAM DOULA PROGRAM.

7 (5) "DOULA SERVICES" MEANS CONTINUOUS PHYSICAL, EMOTIONAL,
8 AND INFORMATIONAL SUPPORT, BASED ON EVIDENCED-BASED PRACTICES AND
9 WITH RESPECT FOR INDIVIDUAL CARE NEEDS, CULTURE, AND FAMILY TRADITIONS,
10 TO A BIRTHING PARENT PROVIDED BY A CERTIFIED DOULA, INCLUDING:

11 (I) EDUCATION AND GUIDANCE ON CHILDBIRTH, COPING
12 SKILLS FOR NEW PARENTS, BREASTFEEDING, INFANT FEEDING, INFANT SOOTHING,
13 AND MAKING INFORMED DECISIONS ABOUT CHILDBIRTH AND POSTPARTUM CARE;

14 (II) PRENATAL COUNSELING;

15 (III) SUPPORT FOR OTHER INDIVIDUALS PROVIDING CARE FOR A
16 BIRTHING PARENT, INCLUDING A BIRTHING PARENT'S PARTNER AND FAMILY
17 MEMBERS; AND

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

24 (6) "HOME" MEANS THE RESIDENCE OF THE BIRTHING PARENT.

25 (7) "LABOR AND DELIVERY" MEANS THE PERIOD DURING WHICH THE
26 FETUS, MEMBRANES, UMBILICAL CORD, AND PLACENTA ARE EXPELLED FROM THE
27 UTERUS THROUGH VAGINAL BIRTH OR THROUGH THE SURGICAL DELIVERY BY A
28 CESAREAN SECTION.

29 (8) "MEDICALLY NECESSARY" MEANS THAT A SERVICE OR BENEFIT
30 IS:

31 (I) DIRECTLY RELATED TO DIAGNOSTIC, PREVENTIVE,
32 CURATIVE, PALLIATIVE, REHABILITATIVE, OR AMELIORATIVE TREATMENT OF AN
33 ILLNESS, INJURY, DISABILITY, OR HEALTH CONDITION;

1 (II) CONSISTENT WITH ACCEPTED STANDARDS OF GOOD
2 MEDICAL PRACTICE;

3 (III) THE MOST COST-EFFICIENT SERVICE THAT CAN BE
4 PROVIDED WITHOUT SACRIFICING EFFECTIVENESS OR ACCESS TO CARE; AND

5 (IV) NOT PRIMARILY FOR THE CONVENIENCE OF A CONSUMER,
6 FAMILY, OR PROVIDER.

7 (9) "PARTICIPATING DOULA" MEANS AN INDIVIDUAL WHO:

8 (I) MEETS THE CERTIFICATION REQUIREMENTS AS PROVIDED
9 IN SUBSECTION (C) OF THIS SECTION; AND

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

12 (10) "POSTPARTUM PERIOD" MEANS THE PERIOD WITHIN 180 DAYS
13 AFTER THE CONCLUSION OF LABOR AND DELIVERY.

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

19 (B) (1) THERE IS A MARYLAND MEDICAL ASSISTANCE PROGRAM DOULA
20 PROGRAM WITHIN THE PROGRAM.

21 (2) THE DEPARTMENT SHALL ADMINISTER THE DOULA PROGRAM.

22 (3) THE PURPOSE OF THE DOULA PROGRAM IS TO PROVIDE DOULA
23 SERVICES TO PROGRAM RECIPIENTS WHO ARE PREGNANT OR POSTPARTUM.

24 (4) IN ADMINISTERING THE DOULA PROGRAM AND AS PERMITTED BY
25 FEDERAL LAW, THE DEPARTMENT SHALL:

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

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

(III) EVALUATE THE EFFECTIVENESS OF THE DOULA PROGRAM

BY:

1. DETERMINING BREASTFEEDING RATES AMONG PROGRAM RECIPIENTS PARTICIPATING IN THE DOULA PROGRAM;

2. COLLECTING INFORMATION ON PROGRAM RECIPIENTS' POSTPARTUM VISITS TO PARTICIPATING DOULAS THROUGH THE DOULA PROGRAM; AND

3. ADMINISTERING SURVEYS TO COLLECT FEEDBACK FROM PARTICIPATING DOULAS AND PROGRAM RECIPIENTS PARTICIPATING IN THE DOULA PROGRAM.

(C) A PROVIDER SHALL BE CERTIFIED BY AT LEAST ONE OF THE FOLLOWING ORGANIZATIONS AND PRESENT PROOF TO THE DEPARTMENT OF COMPLETION OF THE ASSOCIATED CERTIFICATION FROM AT LEAST ONE OF THE ORGANIZATIONS BEFORE PROVIDING DOULA SERVICES:

(1) DOULA TRAININGS INTERNATIONAL: BIRTH DOULA AND POSTPARTUM DOULA CERTIFICATIONS;

(2) THE CHILDBIRTH AND POSTPARTUM PROFESSIONAL ASSOCIATION: CERTIFIED LABOR DOULA, CERTIFIED POSTPARTUM DOULA, AND CERTIFIED COMMUNITY LACTATION EDUCATOR CERTIFICATIONS;

(3) THE INTERNATIONAL BLACK DOULA INSTITUTE: PREGNANCY & CHILDBIRTH DOULA CERTIFICATION, POSTPARTUM & NEWBORN CERTIFICATION, AND LACTATION/BREASTFEEDING CERTIFICATE OF COMPLETION;

(4) ANCIENT SONG DOULA SERVICES: FULL SPECTRUM LABOR & POSTPARTUM CERTIFICATION;

(5) MAMATOTO VILLAGE: COMMUNITY BIRTH WORKER CERTIFICATION;

(6) DOULAS OF NORTH AMERICA: BIRTH DOULA AND POSTPARTUM DOULA CERTIFICATIONS;

(7) INTERNATIONAL CHILDBIRTH EDUCATION ASSOCIATION: BIRTH DOULA, AND POSTPARTUM DOULA CERTIFICATIONS;

(8) CHILDBIRTH INTERNATIONAL: BIRTH DOULA, AND POSTPARTUM DOULA CERTIFICATIONS; OR

1 **(II) DOULA SERVICES PROVIDED DURING LABOR AND DELIVERY**
2 **MAY NOT BE DELIVERED VIA TELEHEALTH;**

3 **(III) PAYMENT FOR DOULA SERVICES SHALL BE LIMITED TO**
4 **DIRECT SERVICES PROVIDED AND EXPENSES MAY NOT BE REIMBURSED FOR ITEMS**
5 **RELATED TO:**

6 **1. TRAVEL;**

7 **2. ADMINISTRATIVE OVERHEAD; OR**

8 **3. ONGOING CERTIFICATION, TRAINING, OR**
9 **CONSULTATION; AND**

10 **(IV) MULTIPLE VISITS ARE NOT ALLOWED IN THE SAME DAY**
11 **EXCEPT IN THE FOLLOWING INSTANCES:**

12 **1. A PRENATAL VISIT THAT OCCURS BEFORE A LABOR**
13 **AND DELIVERY VISIT IN THE SAME DAY; OR**

14 **2. A LABOR AND DELIVERY VISIT THAT OCCURS BEFORE**
15 **A POSTPARTUM DOULA VISIT IN THE SAME DAY.**

16 **(F) (1) A PROVIDER SHALL SUBMIT A REQUEST FOR PAYMENT IN THE**
17 **FORMAT DESIGNATED BY THE PROGRAM.**

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

20 **(I) SIGNED;**

21 **(II) COMPLETED; OR**

22 **(III) ACCOMPANIED BY PROPERLY COMPLETED FORMS**
23 **REQUIRED BY THE PROGRAM.**

24 **(3) (I) A PROVIDER MAY CHARGE THE PROGRAM AND THE**
25 **PROGRAM SHALL REIMBURSE A PROVIDER IN ACCORDANCE WITH SUBSECTION (G)**
26 **OF THIS SECTION.**

27 **(II) A CHARGE BY A PROVIDER MAY BE DIFFERENT FROM A**
28 **CUSTOMARY CHARGE BY THE PROVIDER FOR THE SAME SERVICE.**

1 **(III) THE PROGRAM SHALL PAY FOR COVERED SERVICES AT A**
2 **RATE EQUAL TO THE LESSER OF:**

3 **1. THE CUSTOMARY CHARGE OF THE PROVIDER**
4 **CHARGES TO THE GENERAL PUBLIC, UNLESS THE SERVICES ARE FREE TO**
5 **INDIVIDUALS NOT COVERED BY THE PROGRAM; OR**

6 **2. THE PROGRAM'S FEE SCHEDULE.**

7 **(4) A PROVIDER MAY NOT BILL THE PROGRAM OR A BIRTHING**
8 **PARENT FOR:**

9 **(I) COMPLETION OF FORMS AND REPORTS;**

10 **(II) BROKEN OR MISSED APPOINTMENTS;**

11 **(III) A PROFESSIONAL SERVICE PROVIDED BY MAIL;**

12 **(IV) A PROFESSIONAL SERVICE PROVIDED BY TELEHEALTH**
13 **WHEN THE SERVICE IS INDICATED AS AN EXCLUSION; OR**

14 **(V) PROVIDING A COPY OF THE MEDICAL RECORD OF A**
15 **BIRTHING PARENT WHEN ANOTHER PROVIDER REQUESTS A COPY OF THE MEDICAL**
16 **RECORD ON BEHALF OF THE BIRTHING PARENT.**

17 **(5) PAYMENTS FOR SERVICES PROVIDED TO A BIRTHING PARENT**
18 **SHALL BE MADE DIRECTLY TO A QUALIFIED PROVIDER.**

19 **(6) A CLAIM SUBMITTED BY A PROVIDER TO THE PROGRAM IS**
20 **SUBJECT TO THE BILLING TIME LIMITATIONS IN COMAR 10.09.36.06.**

21 **(G) (1) UNLESS OTHERWISE SPECIFIED, PAYMENTS TO PROVIDERS**
22 **SHALL BE MADE IN 15 MINUTE UNITS OF SERVICE.**

23 **(2) RATES FOR DOULA SERVICES SHALL BE:**

24 **(I) FOR PRENATAL CARE SERVICES, \$16.62 PER 15 MINUTE**
25 **UNIT OF SERVICE FOR UP TO FOUR UNITS OF SERVICE PER VISIT;**

26 **(II) FOR LABOR AND DELIVERY ATTENDANCE, A FLAT RATE OF**
27 **\$350; AND**

1 **(III) FOR POSTPARTUM CARE SERVICES, \$19.62 PER 15 MINUTE**
2 **UNIT OF SERVICE FOR UP TO FOUR UNITS OF SERVICE PER VISIT.**

3 **(H) A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE**
4 **PROGRAM SHALL PROVIDE MEDICALLY NECESSARY DOULA SERVICES AND HOME**
5 **VISITING SERVICES TO PREGNANT AND POSTPARTUM ENROLLEES.**

6 **(I) ON OR BEFORE JUNE 1 EACH YEAR, THE DEPARTMENT SHALL SUBMIT**
7 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE**
8 **GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE**
9 **HEALTH AND GOVERNMENT OPERATIONS COMMITTEE A REPORT ON THE**
10 **IMPLEMENTATION OF THE DOULA PROGRAM.**

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