

Chapter 682

(House Bill 669)

AN ACT concerning

Maryland Medical Assistance Program – Doula Services – Coverage

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

BY adding to

Article – Health – General

Section 15–141.3

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

15–141.3.

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

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

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

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

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

(II) PRENATAL COUNSELING COACHING;

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

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

(5) "HOME" MEANS THE RESIDENCE OF THE BIRTHING PARENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) HOLD ADEQUATE LIABILITY INSURANCE.

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

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

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

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

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

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

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

(I) SIGNED;

(II) COMPLETED; OR

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

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

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

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

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

2. THE PROGRAM'S FEE SCHEDULE.

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

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.