

2023 Regular Session

SENATE BILL NO. 135

BY SENATOR BARROW

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MEDICAID. Provides relative to Medicaid reimbursement for services provided by a licensed midwife or certified nurse midwife. (8/1/23)

1 AN ACT

2 To enact R.S. 46:451, relative to Medicaid reimbursement for services of licensed midwives

3 and certified nurse midwives; to provide for a minimum rate of reimbursement

4 relative to physician reimbursement; to provide for legislative findings; to provide

5 for definitions; to provide for eligibility requirements; to provide for approval by

6 CMS; to provide for rulemaking; to provide for prohibited decreases in certain

7 reimbursements; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 46:451 is hereby enacted to read as follows:

10 **§451. Medicaid reimbursement; midwifery services**

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

12 **(1) Midwives are community-based practitioners who provide**

13 **comprehensive, holistic, individualized maternity care and alternative birthing**

14 **services to low-risk clients.**

15 **(2) Midwifery care is family-centered and individualized to consider the**

16 **unique cultural, ethnic, psychosocial, nutritional, and educational needs of the**

17 **client and supports healthy lifestyle habits that benefit the whole family.**

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

5           B. The Louisiana Department of Health shall implement a Medicaid  
6           reimbursement rate for midwifery services that is, at a minimum, ninety-five  
7           percent of the amount reimbursed to licensed physicians for the provision of the  
8           same health services in pregnancy and childbirth acting within their scope of  
9           practice.

10           C. For purposes of this Section, "midwife" means a licensed midwife  
11           licensed by the Louisiana State Board of Medical Examiners pursuant to R.S.  
12           37:3240 et seq. or a certified nurse midwife licensed by the Louisiana State  
13           Board of Nursing pursuant to R.S. 37:913.

14           D.(1) The midwife shall be enrolled as a Medicaid provider and be a  
15           managed care organization network or a fee for service provider in the  
16           Medicaid program in order to be reimbursed in accordance with this Section.

17           (2) Implementation of the reimbursement rate provided for in this  
18           Section shall be subject to approval by the Centers for Medicare and Medicaid  
19           Services.

20           (3) The Louisiana Department of Health may promulgate any rules as  
21           may be necessary to implement the provisions of this Section.

22           E.(1) Nothing in this Section shall be construed to require a decrease in  
23           any reimbursement rate for midwife services that are reimbursed equal to the  
24           amount reimbursed to licensed physicians.

25           (2) Nothing in this Section shall be construed to expand, diminish, or  
26           alter the scope of practice of a midwife.

27           (3) Nothing in this Section shall be construed to require the Medicaid  
28           program to cover any specific healthcare service.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Brandi Cannon.

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## DIGEST

SB 135 Engrossed

2023 Regular Session

Barrow

Proposed law provides that the La. Dept. of Health shall implement a Medicaid reimbursement rate for services by licensed midwives or certified nurse midwives that is, at a minimum, 95% of the amount reimbursed to licensed physicians for the provision of the same health services in pregnancy and childbirth, when acting within their scope of practice.

Proposed law defines "midwife".

Proposed law requires the midwife to be enrolled as a Medicaid provider and be a managed care organization network or fee for service provider in the Medicaid program in order to be reimbursed in accordance with proposed law.

Proposed law is subject to approval by the Centers for Medicare and Medicaid Services.

Proposed law shall not be construed to do any of the following:

- (1) Require a decrease in any reimbursement rate for midwife services that are reimbursed equal to the amount reimbursed to licensed physicians.
- (2) Expand, diminish, or alter the scope of practice of a midwife.
- (3) Require Medicaid to cover any specific healthcare service.

Effective August 1, 2023.

(Adds R.S. 46:451)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Increase the minimum reimbursement from 90% to 95% of the amount reimbursed to licensed physicians.
2. Specify that services must be within the scope of practice for midwives.
3. Extend applicability to both licensed midwives and certified nurse midwives.
4. Extend applicability to a midwife enrolled as a Medicaid fee for service provider.
5. Make technical changes.