

2021 Regular Session

HOUSE BILL NO. 190

BY REPRESENTATIVES WILLARD, DUBUISSON, EDMONSTON, AND LANDRY

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

INSURANCE/HEALTH: Provides relative to maternity services of midwives and doulas

1 AN ACT

2 To enact R.S. 22:1059 and 1059.1 and Subpart B-1 of Part I of Chapter 5-E of Title 40 of
3 the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1244.1 and
4 1244.2, relative to health insurance coverage for midwifery and doula services; to
5 provide relative to health insurance coverage for maternity services provided by
6 midwives and doulas; to provide for legislative findings; to create the Louisiana
7 Doula Registry Board and provide for its purpose, composition, and duties; to
8 provide relative to the medical assistance program of this state commonly known as
9 Medicaid; to provide for duties of the Louisiana Department of Health in
10 administering the state Medicaid program; to provide relative to Medicaid
11 reimbursement rates paid for delivery of certain maternity services; to provide for
12 definitions; to provide for applicability; to provide for an effective date; and to
13 provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 22:1059 and 1059.1 are hereby enacted to read as follows:

16 §1059. Required coverage for services provided by midwives; reimbursement
17 discrimination prohibited; definitions

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

19 (1) Midwives are community-based practitioners who provide
20 comprehensive, holistic, individualized maternity care and alternative birthing
21 services to low-risk clients.

1 (2) Midwifery care is family-centered and individualized to consider the
2 unique cultural, ethnic, psychosocial, nutritional, and educational needs of the client
3 and supports healthy lifestyle habits that benefit the whole family.

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

7 B.(1) Any health coverage plan delivered or issued for delivery in this state
8 that provides benefits for maternity services shall include coverage for healthcare
9 services provided by a midwife.

10 (2) The coverage provided for in this Section may be subject to annual
11 deductibles, coinsurance, and copayments. A health coverage plan shall not
12 differentiate between services performed by a midwife within his lawful scope of
13 practice and services by a physician with respect to copayment or annual deductible
14 amounts or coinsurance percentages.

15 C.(1) Whenever any health coverage plan delivered or issued for delivery in
16 this state provides for reimbursement of any services which are within the lawful
17 scope of practice of certified nurse midwives and certified professional midwives as
18 defined in R.S. 37:3241, the insured or other person entitled to benefits under the
19 health coverage plan shall be entitled to reimbursement for the services, whether the
20 services are performed by a physician or a midwife.

21 (2) Terminology in any health coverage plan policy or contract deemed
22 discriminatory against certified nurse midwives, certified professional midwives, or
23 midwifery or that inhibits reimbursement for services at the in-network rate is void
24 and unenforceable.

25 D. For purposes of this Section, the following definitions apply:

26 (1) "Health coverage plan" means any hospital, health, or medical expense
27 insurance policy, hospital or medical service contract, employee welfare benefit plan,
28 contract, or other agreement with a health maintenance organization or a preferred
29 provider organization, health and accident insurance policy, or any other insurance

1 contract of this type in this state, including a group insurance plan, a self-insurance
2 plan, and the Office of Group Benefits programs. "Health coverage plan" does not
3 include a plan providing coverage for excepted benefits as defined in R.S. 22:1061,
4 limited benefit health insurance plans, and short-term policies that have a term of
5 less than twelve months.

6 (2) "Midwife" means a certified nurse midwife licensed by the Louisiana
7 State Board of Nursing in accordance with the provisions of R.S. 37:911 et seq. or
8 a certified professional midwife licensed pursuant to the Midwife Practitioners Act,
9 R.S. 37:3240 et seq.

10 §1059.1. Legislative findings; Louisiana Doula Registry Board; purpose;
11 composition; duties of the board

12 A.(1) The legislature hereby finds and declares that research indicates
13 maternal mortality, severe maternal morbidity, infant mortality, preterm birth, and
14 unexpected outcomes of pregnancy and birth resulting in significant health
15 consequences are rising in the United States, and that these outcomes occur more
16 frequently in Louisiana than in other states. Louisiana has the highest maternal death
17 rate in the nation and the second highest infant death rate in the nation.

18 (2) The benefits of doula care have been documented in numerous studies
19 including the 2017 Cochrane Review of twenty-six trials of continuous labor support
20 and doula care involving over fifteen thousand women in seventeen different
21 countries. The numerous benefits of doula care include decreased cesarean sections,
22 increased spontaneous vaginal births, shortened duration of birth, increased maternal
23 satisfaction postpartum, improved breastfeeding rates, and lower rates of preterm
24 labor and low birth weight.

25 B.(1) The legislature hereby creates within the Louisiana Department of
26 Health the Louisiana Doula Registry Board, hereafter referred to in this Section as
27 the "doula registry board", for the purpose of reviewing and approving doula
28 registration to allow for health insurance reimbursement of doula services.

1 (2) The doula registry board shall create the criteria for the registration
2 application, review submitted doula registration applications, and grant registration
3 status to doulas seeking health insurance reimbursement to promote safe and
4 equitable care for every mother and every birth in this state.

5 C. The doula registry board shall perform all of the following tasks:

6 (1) Review applications for doulas to register to receive health insurance
7 reimbursement in Louisiana.

8 (2) Approve applications to designate registered doula status.

9 (3) Notify applicants of approval or denial of doula registration status.

10 (4) Maintain a statewide registry of doulas approved for health insurance
11 reimbursement in Louisiana.

12 D.(1) The doula registry board shall be composed of the following members:

13 (a) One representative of an organization providing doula services for people
14 giving birth in Louisiana in Region 1 appointed by the medical director of the
15 Louisiana Perinatal Quality Collaborative.

16 (b) One representative of an organization providing doula services for people
17 giving birth in Louisiana in Region 2 appointed by the medical director of the
18 Louisiana Perinatal Quality Collaborative.

19 (c) One representative of an organization providing doula services for people
20 giving birth in Region 3 appointed by the medical director of the Louisiana Perinatal
21 Quality Collaborative.

22 (d) One representative of an organization providing doula services for people
23 giving birth in Louisiana in Region 4 appointed by the medical director of the
24 Louisiana Perinatal Quality Collaborative.

25 (e) One representative of an organization providing doula services for people
26 giving birth in Louisiana in Region 5 appointed by the medical director of the
27 Louisiana Perinatal Quality Collaborative.

1 (f) One representative of an organization providing doula services for people
2 giving birth in Louisiana in Region 6 appointed by the medical director of the
3 Louisiana Perinatal Quality Collaborative.

4 (g) One representative of an organization providing doula services for people
5 giving birth in Louisiana in Region 7 appointed by the medical director of the
6 Louisiana Perinatal Quality Collaborative.

7 (h) One representative of an organization providing doula services for people
8 giving birth in Louisiana in Region 8 appointed by the medical director of the
9 Louisiana Perinatal Quality Collaborative.

10 (i) One representative of an organization providing doula services for people
11 giving birth in Louisiana in Region 9 appointed by the medical director of the
12 Louisiana Perinatal Quality Collaborative.

13 (j) One person with lived-experience having used doula services for at least
14 two births.

15 (k) One doula with lactation training.

16 (l) One representative from Sista Midwife Productions.

17 (m) One representative from Community Birth Companion.

18 (n) One representative from Birthmark Doula Collective.

19 (o) One representative from H.E.R. Institute.

20 (2) The doula registry board shall elect from among its members a practicing
21 doula as chairperson.

22 (3) Members of the doula registry board shall serve without compensation
23 for up to two years with the option for reappointment.

24 (4) The doula registry board shall hold quarterly public meetings unless
25 otherwise provided by vote of the doula registry board or by order of the chairperson.

26 (5) The doula registry board may establish subcommittees and appoint
27 persons to those subcommittees, including persons who are not board members, nor
28 voting members, as it deems necessary and appropriate to accomplish its goals.

1 E. Members of the nonvoting subcommittee shall include and are not limited

2 to all of the following:

3 (1) One representative of New Orleans Breastfeeding Center.

4 (2) One representative of March of Dimes.

5 (3) One representative of National Birth Equity Collaborative.

6 (4) One representative of Institute of Women & Ethnic Studies.

7 (5) One obstetrician with demonstrated work rooted in community, health

8 equity, and training in equitable practices.

9 (6) One certified professional midwife.

10 (7) One certified nurse midwife.

11 (8) One community nurse practitioner.

12 (9) One representative from Louisiana Medicaid.

13 (10) One representative from Louisiana Hospital Association.

14 (11) One representative from each private health insurer in Louisiana as

15 determined by the doula registry board.

16 F. The Louisiana Department of Health shall provide staff support to the

17 doula registry board.

18 G. Nothing in this Section prohibits any person from practicing as a doula

19 in this state, regardless of whether such person is registered in accordance with the

20 provisions of this Section.

21 Section 2. Subpart B-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised

22 Statutes of 1950, comprised of R.S. 40:1244.1 and 1244.2, is hereby enacted to read as

23 follows:

24 SUBPART B-1. PROVIDER RATES FOR MIDWIVES

25 §1244.1. Definitions

26 As used in this Subpart, the following definitions apply:

27 (1) "Department" means the Louisiana Department of Health.

28 (2) "Medicaid" means the medical assistance program provided for in Title

29 XIX of the Social Security Act.

1 (3) "Medicare" means the federal health insurance program provided for in
2 Title XVIII of the Social Security Act.

3 (4) "Midwife" means a certified nurse midwife licensed by the Louisiana
4 State Board of Nursing in accordance with the provisions of R.S. 37:911 et seq. or
5 a certified professional midwife licensed pursuant to the Midwife Practitioners Act,
6 R.S. 37:3240 et seq.
7 §1244.2. Rulemaking authority

8 The department shall promulgate all such rules in accordance with the
9 Administrative Procedure Act as are necessary to implement the provisions of this
10 Subpart.

11 Section 3(A). Section 1 of this Act shall become effective on January 1, 2022.

12 (B) The provisions of Section 1 of this Act apply to any new policy, contract,
13 program, or health coverage plan issued on and after January 1, 2022. Any policy, contract,
14 or health coverage plan in effect prior to January 1, 2022, shall convert to conform to the
15 provisions of this Act on or before the renewal date, but no later than January 1, 2023.

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)]

HB 190 Engrossed

2021 Regular Session

Willard

Abstract: Provides for health insurance coverage for maternity services provided by certified nurse midwives, certified professional midwives, and doulas.

Proposed law requires any health coverage plan delivered or issued for delivery in this state that provides benefits for maternity services to include coverage for healthcare services provided by a certified midwife, subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.

Proposed law provides that the insured or other person entitled to benefits under the health coverage plan is entitled to reimbursement for services within the lawful scope of practice of a midwife as defined in law.

Proposed law prohibits a health coverage plan from differentiating between services performed by midwives and physicians with respect to copayments, annual deductible amounts, or coinsurance percentages.

Proposed law prohibits terminology in any health coverage plan policy or contract deemed discriminatory against certified nurse midwives, certified professional midwives, and the

practice of midwifery. Further prohibits terminology that inhibits reimbursement for midwifery services at the in-network rate.

Proposed law defines "health coverage plan", "midwife", "doula", "department", "Medicaid", and "Medicare".

Proposed law creates the Louisiana Doula Registry board (doula registry board), outlines legislative findings, and details the board's purpose, composition, and duties. Requires board membership to include certain members who represent all areas of the state, and members who are part of organizations relative to doula practice or who demonstrate work rooted in community, health equity, and training practices. Further authorizes the doula registry board to create subcommittees composed of certain persons who may not be board members or voting members.

Proposed law requires the doula registry board to review applications for doulas registering to receive health insurance reimbursement in the state of La., approve or deny such applications, notify applicants of approval or denial of doula registration status, and maintain a statewide registry of doulas approved for health insurance reimbursement in this state.

Proposed law authorizes a doula to practice in this state, regardless of whether the doula is registered with the board. Further requires LDH to provide support staff to the doula registry board.

Proposed law requires LDH to promulgate all such administrative rules as are necessary to implement the provisions of proposed law concerning provider rates for midwives.

Proposed law (R.S. 22:1059 and 1059.1) becomes effective Jan. 1, 2022.

Proposed law changes the effective date for when a policy, contract, or health coverage shall convert to the provisions of proposed law from Jan. 1, 2022 to Jan. 1, 2023.

(Adds R.S. 22:1059 and 1059.1 and R.S. 40:1244.1 and 1244.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Insurance to the original bill:

1. Make technical changes.
2. Prohibit a health coverage plan from differentiating between services performed by midwives and physicians with respect to copayments, annual deductible amounts, or coinsurance percentages.
3. Remove certain language regarding discrimination of services between midwives and physicians.
4. Create the Louisiana Doula Registry board, outline legislative findings, and detail the board's purpose, composition, and duties. Authorize a doula to practice in this state, regardless of whether the doula is registered with the board. Further require the La. Department of Health to provide support staff to the doula registry board.
5. Change the effective date for when a policy, contract, or health coverage plan shall convert to the provisions of proposed law from Jan. 1, 2022 to Jan. 1, 2023.