

1 S.109

2 Introduced by Senators Gulick, Champion, Hardy, Harrison, Hashim, Lyons,
3 McCormack, Perchlik, Ram Hinsdale, Vyhovsky, Watson,
4 Weeks and White

5 Referred to Committee on Health and Welfare

6 Date: February 28, 2023

7 Subject: Health; Medicaid; pregnancy; birth; doulas

8 Statement of purpose of bill as introduced: This bill proposes to require
9 Medicaid coverage for doula services during labor and birth and for the
10 prenatal and postpartum periods.

11 An act relating to Medicaid coverage for doula services

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 33 V.S.A. § 1901I is added to read:~~

14 § 1901I. MEDICAID COVERAGE FOR DOULA SERVICES

15 (a) The Department of Vermont Health Access shall provide
16 reimbursement to a qualified doula for providing childbirth education and
17 support services, including physical and emotional support, to individuals
18 covered by Medicaid during pregnancy, labor and delivery, and the postpartum
19 period. The Department shall maintain a registry of qualified doulas who have

1 ~~met all of the requirements set forth in subsection (b) of this section and are~~
2 entitled to reimbursement pursuant to this section. Doulas shall not receive
3 reimbursement for travel time or mileage expenses.

4 (b) In order to appear in the registry of qualified doulas and receive
5 reimbursement pursuant to this section, a doula shall meet all of the following
6 requirements:

7 (1) receive and maintain certification by an approved national
8 certification agency identified by the Department of Vermont Health Access by
9 rule;

10 (2) obtain additional training at the doula's own expense focused on
11 doula care for special populations, on becoming a Medicaid participating
12 provider, and on such additional topics as the Department may require;

13 (3) submit to a background check and fingerprinting; and

14 (4) maintain personal liability insurance.

15 Sec. 2. DEPARTMENT OF VERMONT HEALTH ACCESS,

16 RULEMAKING

17 (a) The Commissioner of Vermont Health Access shall adopt rules pursuant
18 to 3 V.S.A. chapter 25 to implement the provisions of this act. The rules shall
19 specify, at a minimum,

1 ~~(1) a list of the organizations from which a doula may receive~~
2 ~~certification in order to qualify as an approved doula for purposes of 33 V.S.A.~~

3 ~~§ 1901(b)(1), including:~~

4 ~~(A) Birth Works;~~

5 ~~(B) Childbirth International;~~

6 ~~(C) Childbirth and Postpartum Professional Association (CAPPA);~~

7 ~~(D) Commonsense Childbirth Inc.;~~

8 ~~(E) Doulas of North America (DONA);~~

9 ~~(F) International Center for Traditional Childbearing (ICTC);~~

10 ~~(G) International Childbirth Education Association;~~

11 ~~(H) Stillbirthday University;~~

12 ~~(I) BEST Doula Training; and~~

13 ~~(J) ToLabor; and~~

14 ~~(2) the coverage available for doula services per pregnancy, regardless~~
15 ~~of the number of infants involved, which shall be billed on a fee-for-service~~
16 ~~basis, shall not exceed \$850.00, and shall be allocated as follows:~~

17 ~~(A) \$25.00 per hour for prenatal visits, not to exceed four hours;~~

18 ~~(B) a flat fee of \$650.00 for physical and emotional support for the~~
19 ~~entire course of the mother's labor and delivery, which shall include unlimited~~
20 ~~telephone and e-mail contact and the doula's commitment to be available on an~~
21 ~~on-call basis,~~

1 ~~(C) \$25.00 per hour for postpartum visits, which may include~~
2 ~~postpartum hospital visits, not to exceed two hours; and~~

3 ~~(D) up to \$50.00 for administrative expenses.~~

4 ~~(b) The Commissioner may propose increases to the amounts described in~~
5 ~~subdivision (a)(2) of this section over time, as appropriate.~~

6 Sec. 3. STATE PLAN AMENDMENT

7 ~~The Department of Vermont Health Access shall seek a state plan~~
8 ~~amendment from the Centers for Medicare and Medicaid Services if needed to~~
9 ~~allow Vermont's Medicaid program to provide coverage for doula services in~~
10 ~~accordance with this act.~~

11 Sec. 4. EFFECTIVE DATE

12 ~~This act shall take effect on July 1, 2023 or upon approval of a state plan~~
13 ~~amendment, whichever is later; provided, however, that the Commissioner of~~
14 ~~Vermont Health Access may commence the rulemaking process prior to July 1,~~
15 ~~2023 to ensure the rules will be in effect by the effective date of this act.~~

~~§ 1. 33 V.S.A. § 1901m is added to read:~~

~~§ 1901m. MEDICAID COVERAGE FOR DOULA SERVICES~~

~~(a) The Department of Vermont Health Access shall provide reimbursement~~
~~to a qualified doula for providing childbirth education and support services,~~
~~including physical and emotional support, to an individual covered by~~
~~Medicaid during pregnancy, labor and delivery, and the postpartum period,~~
~~regardless of the outcome of the pregnancy.~~

~~(b) As used in this section, "qualified doula" means a doula who is~~
~~registered with or certified or licensed by the Office of Professional~~
~~Regulation.~~

~~Sec. 2. MEDICAID REIMBURSEMENT FOR DOULA SERVICES,
LEGISLATIVE INTENT~~

~~It is the intent of the General Assembly that the Department of Vermont Health Access reimburse qualified doulas in amounts that are reasonable and adequate for the services provided and that are consistent with the reimbursement rates set by other states' Medicaid programs.~~

~~Sec. 3. OFFICE OF PROFESSIONAL REGULATION; DOULAS; SUNRISE
REVIEW~~

~~(a) The Office of Professional Regulation, in consultation with interested stakeholders, shall undertake a review of doulas in accordance with 26 V.S.A. chapter 57 to determine the appropriate form of regulation for the profession. For purposes of this review, and in accordance with 26 V.S.A. § 3105(b), the General Assembly finds that it is necessary for the State to regulate doulas.~~

~~(b) On or before January 8, 2025, the Office of Professional Regulation shall report the results of the review required by subsection (a) of this section to the House Committees on Health Care and on Government Operations and Military Affairs and the Senate Committees on Health and Welfare and on Government Operations, including a recommendation regarding whether doulas in Vermont would be regulated most appropriately through a registration, certification, or licensure process, along with the Office's proposals for legislative action to establish that process.~~

~~Sec. 4. STATE PLAN AMENDMENT~~

~~The Department of Vermont Health Access shall seek a state plan amendment from the Centers for Medicare and Medicaid Services if needed to allow Vermont's Medicaid program to provide coverage for doula services in accordance with Sec. 1 of this act.~~

~~Sec. 5. EFFECTIVE DATES~~

~~(a) Sec. 1 shall take effect on July 1, 2025 or, if a state plan amendment is necessary, upon approval of the state plan amendment, whichever is later.~~

~~(b) The remaining sections shall take effect on passage.~~

~~Sec. 1. OFFICE OF PROFESSIONAL REGULATION; DOULAS; SUNRISE
REVIEW~~

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*Sec. 2. MEDICAID COVERAGE FOR DOULA SERVICES; COSTS;
REPORT*

(a) As used in this section, "qualified doula" means a doula who is registered with or certified or licensed by the Office of Professional Regulation.

(b) The Department of Vermont Health Access shall develop a proposed methodology and determine the estimated costs if Vermont Medicaid were to provide reimbursement to qualified doulas for providing childbirth education and support services, including physical and emotional support, to individuals covered by Medicaid during pregnancy, labor and delivery, and the postpartum period, regardless of the outcome of the pregnancy.

(c) In its fiscal year 2026 budget proposal, the Department shall provide:

(1) its proposed reimbursement methodology for and estimated costs of providing Medicaid coverage for doula services;

(2) a recommendation for whether doula services should be covered by Vermont Medicaid;

(3) if doula services are covered, ways to recognize the potentially beneficial impacts of doula coverage on Medicaid spending over time; and

(4) information regarding whether a Medicaid state plan amendment would be necessary in order for Vermont Medicaid to cover doula services.

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.