

# SENATE BILL 166

J1, J2  
SB 163/21 – FIN

2lr1081  
CF HB 765

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By: ~~Senator Ellis~~ **Senators Ellis and Lam**  
Introduced and read first time: January 12, 2022  
Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 2, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Doula ~~Program~~ Services – Coverage**

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~~ provide doula services in the Maryland Medical Assistance Program;  
7 requiring the Maryland Medical Assistance Program to cover certain doula services;  
8 ~~with certain limitations;~~ and generally relating to doula services under the Maryland  
9 Medical Assistance Program Doula Program.

10 BY adding to  
11 Article – Health – General  
12 Section 15–141.3  
13 Annotated Code of Maryland  
14 (2019 Replacement Volume and 2021 Supplement)

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

17 **Article – Health – General**

18 **15–141.3.**

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

9           (4) “DOULA ~~PROGRAM~~” ~~MEANS THE MARYLAND MEDICAL~~  
10 ~~ASSISTANCE PROGRAM DOULA PROGRAM.~~

11           (5) “~~DOULA~~ SERVICES” MEANS CONTINUOUS AND NONCLINICAL  
12 PHYSICAL, EMOTIONAL, AND INFORMATIONAL SUPPORT, BASED ON  
13 ~~EVIDENCED-BASED~~ EVIDENCE-BASED PRACTICES AND WITH RESPECT FOR  
14 INDIVIDUAL CARE NEEDS, CULTURE, AND FAMILY TRADITIONS, TO A BIRTHING  
15 PARENT PROVIDED BY A CERTIFIED DOULA, INCLUDING:

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

20           (II) PRENATAL ~~COUNSELING~~ COACHING;

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

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

30           (6) (5) “HOME” MEANS THE RESIDENCE OF THE BIRTHING  
31 PARENT.

32           (7) (6) “LABOR AND DELIVERY” MEANS THE PERIOD DURING  
33 WHICH THE FETUS, MEMBRANES, UMBILICAL CORD, AND PLACENTA ARE EXPELLED

1 FROM THE UTERUS THROUGH VAGINAL BIRTH OR THROUGH ~~THE~~ SURGICAL  
2 DELIVERY BY A CESAREAN SECTION.

3 ~~(8)~~ (7) “MEDICALLY ~~NECESSARY~~ INDICATED” MEANS THAT A  
4 SERVICE OR BENEFIT ~~IS~~ MEETS THE COVERAGE REQUIREMENTS SET BY THE  
5 DEPARTMENT.

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

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

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

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

15 ~~(9)~~ (8) “PARTICIPATING DOULA” MEANS AN INDIVIDUAL WHO:

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

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

20 ~~(10) “POSTPARTUM PERIOD” MEANS THE PERIOD WITHIN 180 DAYS~~  
21 ~~AFTER THE CONCLUSION OF LABOR AND DELIVERY.~~

22 ~~(11)~~ (9) “PROVIDER” MEANS AN INDIVIDUAL, AN ASSOCIATION, A  
23 PARTNERSHIP, OR AN INCORPORATED OR UNINCORPORATED GROUP OF DOULAS  
24 CERTIFIED TO PROVIDE DOULA SERVICES AND WHO, THROUGH AN APPROPRIATE  
25 AGREEMENT WITH THE DEPARTMENT, HAS BEEN IDENTIFIED AS A PROGRAM  
26 PROVIDER BY THE ISSUANCE OF AN INDIVIDUAL ACCOUNT NUMBER.

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

30 ~~(B)~~ (C) ~~(1) THERE IS A MARYLAND MEDICAL ASSISTANCE PROGRAM~~  
31 ~~DOULA PROGRAM WITHIN THE PROGRAM.~~

1           ~~(2)~~ THE DEPARTMENT SHALL ~~ADMINISTER THE DOULA PROGRAM.~~

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

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

6           ~~(H)~~ (1) ENSURE THAT DOULAS PROVIDING CARE UNDER THE  
7 ~~DOULA PROGRAM ARE PARTICIPATING DOULAS;~~

8           ~~(H)~~ (2) REVIEW PARTICIPATION IN THE DOULA PROGRAM OF  
9 PARTICIPATING DOULAS AND PROGRAM RECIPIENTS; AND

10           ~~(HH)~~ (3) EVALUATE THE EFFECTIVENESS OF DOULA SERVICES  
11 ~~COVERED BY THE DOULA PROGRAM BY:~~

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

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

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

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

21           (1) ~~BE~~ BE CERTIFIED BY ~~AT LEAST ONE OF THE FOLLOWING~~  
22 ~~ORGANIZATIONS~~ AN ORGANIZATION APPROVED BY THE DEPARTMENT; AND  
23 ~~PRESENT~~

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

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

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

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

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

6 ~~(5) MAMATOTO VILLAGE: COMMUNITY BIRTH WORKER~~  
 7 ~~CERTIFICATION;~~

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

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

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

14 ~~(9) MATERNITYWISE: LABOR DOULA, AND POSTPARTUM DOULA~~  
 15 ~~CERTIFICATIONS.~~

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

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

19 (2) MAINTAIN UP-TO-DATE CERTIFICATION ~~THROUGH A DOULA~~  
 20 ~~CERTIFICATION PROGRAM LISTED IN SUBSECTION (C) OF THIS SECTION AS~~  
 21 ~~REQUIRED BY THE PROGRAM; AND~~

22 (3) HOLD ADEQUATE LIABILITY INSURANCE.

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

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

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

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

1           (2) ~~THE PROGRAM SHALL COVER UP TO:~~

2           ~~(I) EIGHT PRENATAL OR POSTPARTUM VISITS; AND~~

3           ~~(II) ONE LABOR AND DELIVERY SERVICE.~~

4           (3) DOULA SERVICES COVERED BY THE PROGRAM ARE SUBJECT TO  
5 ~~THE FOLLOWING ANY LIMITATIONS: ADOPTED BY THE DEPARTMENT.~~

6           ~~(I) ONE OF THE FOLLOWING LICENSED HEALTH CARE  
7 PROFESSIONALS SHALL BE PRESENT WHILE DOULA SERVICES ARE PROVIDED  
8 DURING LABOR AND DELIVERY:~~

9                     1. ~~AN OBSTETRICIAN GYNECOLOGIST;~~

10                    2. ~~A FAMILY MEDICINE PRACTITIONER; OR~~

11                    3. ~~A CERTIFIED NURSE MIDWIFE;~~

12           ~~(II) DOULA SERVICES PROVIDED DURING LABOR AND DELIVERY  
13 MAY NOT BE DELIVERED VIA TELEHEALTH;~~

14           ~~(III) PAYMENT FOR DOULA SERVICES SHALL BE LIMITED TO  
15 DIRECT SERVICES PROVIDED AND EXPENSES MAY NOT BE REIMBURSED FOR ITEMS  
16 RELATED TO:~~

17                    1. ~~TRAVEL;~~

18                    2. ~~ADMINISTRATIVE OVERHEAD; OR~~

19                    3. ~~ONGOING CERTIFICATION, TRAINING, OR  
20 CONSULTATION; AND~~

21           ~~(IV) MULTIPLE VISITS ARE NOT ALLOWED IN THE SAME DAY  
22 EXCEPT IN THE FOLLOWING INSTANCES:~~

23                    1. ~~A PRENATAL VISIT THAT OCCURS BEFORE A LABOR  
24 AND DELIVERY VISIT IN THE SAME DAY; OR~~

25                    2. ~~A LABOR AND DELIVERY VISIT THAT OCCURS BEFORE  
26 A POSTPARTUM DOULA VISIT IN THE SAME DAY.~~

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

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

3           (I) SIGNED;

4           (II) COMPLETED; OR

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

7           (3) (I) A PROVIDER MAY CHARGE THE PROGRAM AND THE  
8 PROGRAM SHALL REIMBURSE A PROVIDER ~~IN ACCORDANCE WITH SUBSECTION (C)~~  
9 ~~OF THIS SECTION.~~

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

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

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

17           2. THE PROGRAM'S FEE SCHEDULE.

18           ~~(4) A PROVIDER MAY NOT BILL THE PROGRAM OR A BIRTHING~~  
19 ~~PARENT FOR:~~

20           ~~(I) COMPLETION OF FORMS AND REPORTS;~~

21           ~~(II) BROKEN OR MISSED APPOINTMENTS;~~

22           ~~(III) A PROFESSIONAL SERVICE PROVIDED BY MAIL;~~

23           ~~(IV) A PROFESSIONAL SERVICE PROVIDED BY TELEHEALTH~~  
24 ~~WHEN THE SERVICE IS INDICATED AS AN EXCLUSION; OR~~

25           ~~(V) PROVIDING A COPY OF THE MEDICAL RECORD OF A~~  
26 ~~BIRTHING PARENT WHEN ANOTHER PROVIDER REQUESTS A COPY OF THE MEDICAL~~  
27 ~~RECORD ON BEHALF OF THE BIRTHING PARENT.~~

28           ~~(5) PAYMENTS FOR SERVICES PROVIDED TO A BIRTHING PARENT~~  
29 ~~SHALL BE MADE DIRECTLY TO A QUALIFIED PROVIDER.~~

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

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

~~(2) RATES FOR DOULA SERVICES SHALL BE:~~

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

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

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

~~(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.~~

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.