

SENATE BILL 163

J1, J2
SB 110/20 – FIN

(PRE-FILED)

11r1488

By: **Senator Ellis**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 27, 2021

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – ~~Doula~~ Doula Pilot Program**

3 FOR the purpose of ~~requiring the Maryland Medical Assistance Program, subject to certain~~
4 ~~limitations, to provide certified doula services; authorizing the Secretary of Health~~
5 ~~to contract with certified doulas for the provision of care under the Maryland Medical~~
6 ~~Assistance Program; providing that certified doulas need not be under the~~
7 ~~supervision of a physician for purposes of certain provisions of this Act; defining a~~
8 ~~certain term; establishing the Maryland Medical Assistance Program Doula Pilot~~
9 ~~Program; requiring the Maryland Department of Health to administer the Pilot~~
10 ~~Program; providing for the purpose of the Pilot Program; requiring the Department~~
11 ~~to take certain actions in administering the Pilot Program; requiring the Department~~
12 ~~to submit a certain report to the Governor and the General Assembly on or before~~
13 ~~certain dates; defining certain terms; providing for the termination of this Act; and~~
14 ~~generally relating to the Maryland Medical Assistance Program and ~~doula~~ Doula~~
15 ~~Pilot Program.~~

16 ~~BY repealing and reenacting, without amendments,~~
17 ~~Article – Health – General~~
18 ~~Section 15–103(a)(1)~~
19 ~~Annotated Code of Maryland~~
20 ~~(2019 Replacement Volume and 2020 Supplement)~~

21 ~~BY repealing and reenacting, with amendments,~~
22 ~~Article – Health – General~~

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 ~~Section 15-103(a)(2)(xv) and (xvi) and (e)~~
 2 ~~Annotated Code of Maryland~~
 3 ~~(2019 Replacement Volume and 2020 Supplement)~~

4 BY adding to
 5 Article – Health – General
 6 Section ~~15-103(a)(2)(xvii)~~ 15-141.3
 7 Annotated Code of Maryland
 8 (2019 Replacement Volume and 2020 Supplement)

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

11 **Article – Health – General**

12 ~~15-103.~~

13 ~~(a) (1) The Secretary shall administer the Maryland Medical Assistance~~
 14 ~~Program.~~

15 ~~(2) The Program:~~

16 ~~(xv) Shall provide, subject to the limitations of the State budget,~~
 17 ~~mental health services appropriately delivered through telehealth to a patient in the~~
 18 ~~patient's home setting; [and]~~

19 ~~(xvi) Beginning on January 1, 2021, shall provide, subject to the~~
 20 ~~limitations of the State budget and § 15-855(b)(2) of the Insurance Article, and as permitted~~
 21 ~~by federal law, services for pediatric autoimmune neuropsychiatric disorders associated~~
 22 ~~with streptococcal infections and pediatric acute onset neuropsychiatric syndrome,~~
 23 ~~including the use of intravenous immunoglobulin therapy, for eligible Program recipients,~~
 24 ~~if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections~~
 25 ~~and pediatric acute onset neuropsychiatric syndrome are coded for billing and diagnosis~~
 26 ~~purposes in accordance with § 15-855(d) of the Insurance Article; AND~~

27 ~~(XVII) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE~~
 28 ~~STATE BUDGET, AND AS PERMITTED BY FEDERAL LAW, CERTIFIED DOULA SERVICES~~
 29 ~~INCLUDING CHILDBIRTH EDUCATION AND SUPPORT SERVICES AND EMOTIONAL AND~~
 30 ~~PHYSICAL SUPPORT PROVIDED DURING PREGNANCY, LABOR, BIRTH, AND~~
 31 ~~POSTPARTUM.~~

32 ~~(e) (1) (i) In this subsection the following words have the meanings~~
 33 ~~indicated.~~

34 ~~(H) "CERTIFIED DOULA" MEANS AN INDIVIDUAL WHO HAS~~
 35 ~~RECEIVED A CERTIFICATION TO PERFORM DOULA SERVICES FROM THE~~

~~INTERNATIONAL CHILDBIRTH EDUCATION ASSOCIATION, THE DOULAS OF NORTH AMERICA, THE ASSOCIATION OF LABOR ASSISTANTS AND CHILDBIRTH EDUCATORS, OR THE CHILDBIRTH AND POSTPARTUM PROFESSIONAL ASSOCIATION.~~

~~[(ii)] (III) "Certified nurse practitioner" means a registered nurse who is licensed in this State, has completed a nurse practitioner program approved by the State Board of Nursing, and has passed an examination approved by that Board.~~

~~[(iii)] (IV) "Nurse anesthetist" means a registered nurse who is:~~

~~1. Certified under the Health Occupations Article to practice nurse anesthesia; and~~

~~2. Certified by the Council on Certification or the Council on Recertification of Nurse Anesthetists.~~

~~[(iv)] (V) "Nurse midwife" means a registered nurse who is licensed in this State and has been certified by the American College of Nurse-Midwives as a nurse midwife.~~

~~[(v)] (VI) "Optometrist" has the meaning stated in § 11-101 of the Health Occupations Article.~~

~~(2) The Secretary may contract for the provision of care under the Program to eligible Program recipients.~~

~~(3) The Secretary may contract with insurance companies or nonprofit health service plans or with individuals, associations, partnerships, incorporated or unincorporated groups of physicians, chiropractors, dentists, podiatrists, optometrists, pharmacists, hospitals, nursing homes, nurses, including nurse anesthetists, nurse midwives and certified nurse practitioners, opticians, CERTIFIED DOULAS, and other health practitioners who are licensed or certified in this State and perform services on the prescription or referral of a physician.~~

~~(4) For the purposes of this section, the nurse midwife OR CERTIFIED DOULA need not be under the supervision of a physician.~~

~~(5) Except as otherwise provided by law, a contract that the Secretary makes under this subsection shall continue unless terminated under the terms of the contract by the Program or by the provider.~~

15-141.3.

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

1 **(2) “PARTICIPATING DOULA” MEANS AN INDIVIDUAL WHO:**

2 **(I) HAS RECEIVED A CERTIFICATION TO PERFORM DOULA**
3 **SERVICES FROM THE INTERNATIONAL CHILDBIRTH EDUCATION ASSOCIATION, THE**
4 **DOULAS OF NORTH AMERICA, THE ASSOCIATION OF LABOR ASSISTANTS AND**
5 **CHILDBIRTH EDUCATORS, OR THE CHILDBIRTH AND POSTPARTUM PROFESSIONAL**
6 **ASSOCIATION; AND**

7 **(II) IS AUTHORIZED BY THE DEPARTMENT TO PROVIDE HEALTH**
8 **CARE SERVICES TO PROGRAM RECIPIENTS.**

9 **(3) “PILOT PROGRAM” MEANS THE MARYLAND MEDICAL**
10 **ASSISTANCE PROGRAM DOULA PILOT PROGRAM.**

11 **(B) FROM JUNE 1, 2022, TO MAY 31, 2025, BOTH INCLUSIVE, THERE IS A**
12 **MARYLAND MEDICAL ASSISTANCE PROGRAM DOULA PILOT PROGRAM WITHIN THE**
13 **PROGRAM.**

14 **(C) THE DEPARTMENT SHALL ADMINISTER THE PILOT PROGRAM.**

15 **(D) THE PURPOSE OF THE PILOT PROGRAM IS TO PROVIDE DOULA**
16 **SERVICES TO PROGRAM RECIPIENTS IN BALTIMORE CITY, CHARLES COUNTY, AND**
17 **PRINCE GEORGE’S COUNTY WHO ARE PREGNANT OR POSTPARTUM.**

18 **(E) IN ADMINISTERING THE PILOT PROGRAM AND AS PERMITTED BY**
19 **FEDERAL LAW, THE DEPARTMENT SHALL:**

20 **(1) PROVIDE, AT A MINIMUM, THE FOLLOWING:**

21 **(I) REIMBURSEMENT TO PARTICIPATING DOULAS FOR UP TO**
22 **FOUR PRENATAL VISITS FOR EACH PROGRAM RECIPIENT;**

23 **(II) SUPPORT FOR A PROGRAM RECIPIENT FROM A**
24 **PARTICIPATING DOULA DURING LABOR AND DELIVERY; AND**

25 **(III) REIMBURSEMENT TO PARTICIPATING DOULAS FOR UP TO**
26 **FOUR POSTPARTUM VISITS FOR EACH PROGRAM RECIPIENT;**

27 **(2) ENSURE THAT DOULAS PROVIDING CARE UNDER THE PILOT**
28 **PROGRAM ARE PARTICIPATING DOULAS;**

29 **(3) REVIEW PARTICIPATION IN THE PILOT PROGRAM OF**
30 **PARTICIPATING DOULAS AND PROGRAM RECIPIENTS;**

1 **(4) EVALUATE THE EFFECTIVENESS OF THE PILOT PROGRAM BY:**

2 **(I) DETERMINING BREASTFEEDING RATES AMONG PROGRAM**
3 **RECIPIENTS PARTICIPATING IN THE PILOT PROGRAM;**

4 **(II) COLLECTING INFORMATION ON PROGRAM RECIPIENTS'**
5 **POSTPARTUM VISITS TO PARTICIPATING DOULAS THROUGH THE PILOT PROGRAM;**
6 **AND**

7 **(III) ADMINISTERING SURVEYS TO COLLECT FEEDBACK FROM**
8 **PARTICIPATING DOULAS AND PROGRAM RECIPIENTS PARTICIPATING IN THE PILOT**
9 **PROGRAM; AND**

10 **(5) ANALYZE APPROPRIATE CRITERIA TO DETERMINE IF THE STATE**
11 **SHOULD EXPAND THE PILOT PROGRAM.**

12 **(F) ON OR BEFORE JUNE 1, 2023, 2024, AND 2025, THE DEPARTMENT**
13 **SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE**
14 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT ON**
15 **IMPLEMENTATION OF THE PILOT PROGRAM.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2021. It shall remain effective for a period of 5 years and, at the end of September
18 30, 2026, this Act, with no further action required by the General Assembly, shall be
19 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.