

SENATE BILL 503

J1, J2

2lr2476
CF 2lr1283

By: **Senator Lam**

Introduced and read first time: January 27, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring a provider to meet certain requirements in order to provide
4 doula services in the Maryland Medical Assistance Program; requiring the Maryland
5 Medical Assistance Program to cover certain doula services; and generally relating
6 to doula services under the Maryland Medical Assistance Program.

7 BY adding to

8 Article – Health – General

9 Section 15–141.3

10 Annotated Code of Maryland

11 (2019 Replacement Volume and 2021 Supplement)

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

14 **Article – Health – General**

15 **15–141.3.**

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

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

21 **(3) “CERTIFIED DOULA” MEANS A TRAINED NONMEDICAL**
22 **PROFESSIONAL WHO PROVIDES CONTINUOUS PHYSICAL, EMOTIONAL, AND**
23 **INFORMATIONAL SUPPORT TO THE BIRTHING PARENT THROUGHOUT THE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 PRENATAL, LABOR, AND POSTPARTUM PERIODS WHO HAS RECEIVED A
2 CERTIFICATION TO PERFORM DOULA SERVICES APPROVED BY THE PROGRAM.

3 (4) "DOULA SERVICES" MEANS CONTINUOUS PHYSICAL, EMOTIONAL,
4 AND INFORMATIONAL SUPPORT, BASED ON EVIDENCE-BASED PRACTICES AND WITH
5 RESPECT FOR INDIVIDUAL CARE NEEDS, CULTURE, AND FAMILY TRADITIONS, TO A
6 BIRTHING PARENT PROVIDED BY A CERTIFIED DOULA, INCLUDING:

7 (I) EDUCATION AND GUIDANCE ON CHILDBIRTH, COPING
8 SKILLS FOR NEW PARENTS, BREASTFEEDING, INFANT FEEDING, INFANT SOOTHING,
9 AND MAKING INFORMED DECISIONS ABOUT CHILDBIRTH AND POSTPARTUM CARE;

10 (II) PRENATAL COUNSELING;

11 (III) SUPPORT FOR OTHER INDIVIDUALS PROVIDING CARE FOR A
12 BIRTHING PARENT, INCLUDING A BIRTHING PARENT'S PARTNER AND FAMILY
13 MEMBERS; AND

14 (IV) FACILITATION OF ACCESS TO RESOURCES THAT CAN
15 IMPROVE BIRTH-RELATED OUTCOMES, INCLUDING ONGOING HOME VISITING
16 SERVICES, TRANSPORTATION, HOUSING, THE SPECIAL SUPPLEMENTAL NUTRITION
17 PROGRAM FOR WOMEN, INFANTS AND CHILDREN, THE SUPPLEMENTAL NUTRITION
18 ASSISTANCE PROGRAM WIC, INTIMATE PARTNER VIOLENCE RESOURCES, AND
19 ALCOHOL, TOBACCO, AND DRUG CESSATION.

20 (5) "HOME" MEANS THE RESIDENCE OF THE BIRTHING PARENT.

21 (6) "LABOR AND DELIVERY" MEANS THE PERIOD DURING WHICH THE
22 FETUS, MEMBRANES, UMBILICAL CORD, AND PLACENTA ARE EXPELLED FROM THE
23 UTERUS THROUGH VAGINAL BIRTH OR THROUGH SURGICAL DELIVERY BY A
24 CESAREAN SECTION.

25 (7) "MEDICALLY NECESSARY" MEANS THAT A SERVICE OR BENEFIT
26 IS:

27 (I) DIRECTLY RELATED TO DIAGNOSTIC, PREVENTIVE,
28 CURATIVE, PALLIATIVE, REHABILITATIVE, OR AMELIORATIVE TREATMENT OF AN
29 ILLNESS, AN INJURY, A DISABILITY, OR A HEALTH CONDITION;

30 (II) CONSISTENT WITH ACCEPTED STANDARDS OF GOOD
31 MEDICAL PRACTICE;

1 (III) THE MOST COST-EFFICIENT SERVICE THAT CAN BE
2 PROVIDED WITHOUT SACRIFICING EFFECTIVENESS OR ACCESS TO CARE; AND

3 (IV) NOT PRIMARILY FOR THE CONVENIENCE OF A CONSUMER,
4 FAMILY, OR PROVIDER.

5 (8) "PARTICIPATING DOULA" MEANS AN INDIVIDUAL WHO:

6 (I) MEETS THE CERTIFICATION REQUIREMENTS AS PROVIDED
7 IN SUBSECTION (C) OF THIS SECTION; AND

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

10 (9) "POSTPARTUM PERIOD" MEANS THE PERIOD WITHIN 180 DAYS
11 AFTER THE CONCLUSION OF LABOR AND DELIVERY;

12 (10) "PROVIDER" MEANS AN INDIVIDUAL, AN ASSOCIATION, A
13 PARTNERSHIP, OR AN INCORPORATED OR UNINCORPORATED GROUP OF DOULAS
14 CERTIFIED TO PROVIDE DOULA SERVICES AND WHO, THROUGH AN APPROPRIATE
15 AGREEMENT WITH THE DEPARTMENT, HAS BEEN IDENTIFIED AS A PROGRAM
16 PROVIDER BY THE ISSUANCE OF AN INDIVIDUAL ACCOUNT NUMBER.

17 (B) THE DEPARTMENT SHALL:

18 (1) ENSURE THAT DOULAS PROVIDING CARE UNDER THE PROGRAM
19 ARE PARTICIPATING DOULAS;

20 (2) REVIEW PARTICIPATION IN THE PROGRAM OF PARTICIPATING
21 DOULAS AND PROGRAM RECIPIENTS; AND

22 (3) EVALUATE THE EFFECTIVENESS OF DOULA SERVICES COVERED
23 BY THE PROGRAM.

24 (C) A PROVIDER SHALL:

25 (1) BE CERTIFIED BY AN ORGANIZATION APPROVED BY THE
26 DEPARTMENT; AND

27 (2) PRESENT PROOF TO THE DEPARTMENT OF COMPLETION OF THE
28 ASSOCIATED CERTIFICATION FROM AT LEAST ONE ORGANIZATION BEFORE
29 PROVIDING DOULA SERVICES THROUGH THE PROGRAM.

30 (D) TO PARTICIPATE IN THE PROGRAM, A PROVIDER SHALL:

1 **(1) MEET THE REQUIREMENTS OF COMAR 10.09.36.03 TO**
2 **PARTICIPATE IN THE PROGRAM;**

3 **(2) MAINTAIN UP-TO-DATE CERTIFICATION AS REQUIRED BY THE**
4 **PROGRAM; AND**

5 **(3) HOLD ADEQUATE LIABILITY INSURANCE.**

6 **(E) (1) THE PROGRAM SHALL COVER DOULA SERVICES THAT:**

7 **(I) ARE MEDICALLY NECESSARY;**

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

10 **(III) IF PROVIDED REMOTELY, COMPLY WITH THE TELEHEALTH**
11 **REQUIREMENTS IN COMAR 10.09.49 AND OTHER RELEVANT STATE AND FEDERAL**
12 **LAW.**

13 **(2) DOULA SERVICES COVERED BY THE PROGRAM ARE SUBJECT TO**
14 **ANY LIMITATIONS ADOPTED BY THE DEPARTMENT.**

15 **(F) (1) A PROVIDER SHALL SUBMIT A REQUEST FOR PAYMENT IN THE**
16 **FORMAT DESIGNATED BY THE PROGRAM.**

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

19 **(I) SIGNED;**

20 **(II) COMPLETED; OR**

21 **(III) ACCOMPANIED BY PROPERLY COMPLETED FORMS**
22 **REQUIRED BY THE PROGRAM.**

23 **(3) (I) A PROVIDER MAY CHARGE THE PROGRAM AND THE**
24 **PROGRAM SHALL REIMBURSE A PROVIDER.**

25 **(II) A CHARGE BY A PROVIDER MAY BE DIFFERENT FROM A**
26 **CUSTOMARY CHARGE BY THE PROVIDER FOR THE SAME SERVICE.**

1 **(III) THE PROGRAM SHALL PAY FOR COVERED SERVICES AT A**
2 **RATE EQUAL TO THE LESSER OF:**

3 **1. THE CUSTOMARY CHARGE THE PROVIDER CHARGES**
4 **TO THE GENERAL PUBLIC, UNLESS THE SERVICES ARE FREE TO INDIVIDUALS NOT**
5 **COVERED BY THE PROGRAM; OR**

6 **2. THE PROGRAM'S FEE SCHEDULE.**

7 **(G) A MANAGED CARE ORGANIZATION THAT PARTICIPATES IN THE**
8 **PROGRAM SHALL PROVIDE MEDICALLY NECESSARY DOULA SERVICES AND HOME**
9 **VISITING SERVICES TO PREGNANT AND POSTPARTUM ENROLLEES.**

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