

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1608 Session of
2023

INTRODUCED BY CEPHAS, MADDEN, SANCHEZ, HANBIDGE, KRAJEWSKI,
ISAACSON, HILL-EVANS, SCHLOSSBERG, RABB, MAYES, KHAN, GUENST,
PARKER, FIEDLER, HOHENSTEIN, O'MARA, OTTEN, BULLOCK, KIM,
KINKEAD, CURRY, FLEMING, GREEN, BOYD, D. WILLIAMS,
SHUSTERMAN, PIELLI, SALISBURY, T. DAVIS, POWELL, WEBSTER AND
MADSEN, AUGUST 7, 2023

SENATOR PITTMAN, RULES AND EXECUTIVE NOMINATIONS, IN SENATE, RE-
REPORTED AS AMENDED, OCTOBER 8, 2024

AN ACT

1 Amending the act of June 13, 1967 (P.L.31, No.21), entitled "An
2 act to consolidate, editorially revise, and codify the public
3 welfare laws of the Commonwealth," in public assistance,
4 providing for medical assistance coverage for doula
5 services; AND, IN FRAUD AND ABUSE CONTROL, FURTHER PROVIDING <--
6 FOR THIRD PARTY LIABILITY AND FOR DATA MATCHING.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The act of June 13, 1967 (P.L.31, No.21), known
10 as the Human Services Code, is amended by adding a section to
11 read:

12 Section 443.15. Medical Assistance Coverage for Doula
13 Services.--(a) Subject to Federal approval, doula services are
14 compensable under the medical assistance program for eligible
15 and enrolled medical assistance recipients during pregnancy,
16 labor and delivery and up to one year postpartum.

17 (b) The department shall establish a Doula Advisory Board to

1 advise the secretary regarding the following:

2 (1) Doula best practices.

3 (2) Doula participation in the medical assistance program.

4 (3) Racial and geographic disparities in the provision of
5 maternal health services.

6 (4) ~~Equity and inclusion best practices.~~ BEST PRACTICES TO <--
7 PROMOTE UNIFORM ACCESS TO CARE.

8 (c) The Doula Advisory Board shall include the following:

9 (1) The secretary.

10 (2) A representative from the Department of State.

11 (3) A representative from the Office of Medical Assistance
12 Programs within the department.

13 (4) A representative from the Bureau of Family Health within
14 the Department of Health.

15 (5) A representative from the Office of Health Equity within
16 the Department of Health.

17 (6) A representative from a nationally recognized doula
18 organization.

19 (7) A doula practicing in this Commonwealth.

20 (8) A member of the Maternal Mortality Review Committee
21 established under the act of May 9, 2018 (P.L.118, No.24), known
22 as the Maternal Mortality Review Act.

23 (9) ~~A member of a commission that supports doula practice in <--~~
24 Pennsylvania. A PHYSICIAN, LICENSED AS A DOCTOR OF MEDICINE OR <--

25 DOCTOR OF OSTEOPATHIC MEDICINE UNDER THE LAWS OF THIS
26 COMMONWEALTH, WHO PRACTICES IN THE FIELD OF OBSTETRICS AND
27 GYNECOLOGY AND IS A MEMBER OF THE PENNSYLVANIA MEDICAL SOCIETY.

28 (10) As deemed appropriate by the department, any other
29 residents of this Commonwealth who represent the diverse
30 demographics of Pennsylvania.

1 (d) The department shall seek a State plan amendment or
2 Federal waiver from the Centers for Medicare and Medicaid
3 Services, if needed, for provision of doula services under the
4 medical assistance program.

5 (e) As used in this section, the term "doula" shall mean a
6 professional trained to provide physical, emotional and
7 informational support to a pregnant individual MOTHER before, <--
8 during and after childbirth.

9 SECTION 2. SECTION 1409(A) (2) OF THE ACT IS AMENDED TO READ: <--

10 SECTION 1409. THIRD PARTY LIABILITY.--(A) * * *

11 (2) IF SUCH A PERSON RECEIVES HEALTH CARE FURNISHED OR PAID
12 FOR BY A PUBLICLY FUNDED HEALTH CARE PROGRAM, THE INSURER OF HIS
13 PRIVATE HEALTH CARE COVERAGE SHALL REIMBURSE THE PUBLICLY FUNDED
14 HEALTH CARE PROGRAM, THE COST INCURRED IN RENDERING SUCH CARE TO
15 THE EXTENT OF THE BENEFITS PROVIDED UNDER THE TERMS OF THE
16 POLICY FOR THE SERVICES RENDERED, EXCEPT AS OTHERWISE PROVIDED
17 UNDER SECTION 1413(B.1).

18 * * *

19 SECTION 3. SECTION 1413 HEADING AND (E.1) OF THE ACT ARE
20 AMENDED AND THE SECTION IS AMENDED BY ADDING A SUBSECTION TO
21 READ:

22 SECTION 1413. DATA MATCHING AND CLAIMS FOR REIMBURSEMENT.--*

23 * *

24 (B.1) THE FOLLOWING APPLY:

25 (1) ALL ENTITIES PROVIDING HEALTH INSURANCE OR HEALTH CARE
26 COVERAGE THAT REQUIRE PRIOR AUTHORIZATION FOR AN ITEM OR SERVICE
27 FURNISHED TO AN INDIVIDUAL WHO IS ALSO A MEDICAL ASSISTANCE
28 RECIPIENT SHALL ACCEPT THE AUTHORIZATION FROM THE MEDICAL
29 ASSISTANCE PROGRAM THAT THE ITEM OR SERVICE IS COVERED UNDER THE
30 MEDICAL ASSISTANCE PROGRAM FOR THE RECIPIENT AS IF THE

1 AUTHORIZATION WAS THE ENTITY'S PRIOR AUTHORIZATION FOR THE ITEM
2 OR SERVICE.

3 (2) THIS SUBSECTION DOES NOT APPLY TO THE ORIGINAL MEDICARE
4 FEE-FOR-SERVICE PROGRAM UNDER PARTS A AND B OF TITLE XVIII OF
5 THE SOCIAL SECURITY ACT (49 STAT. 620, 42 U.S.C. § 1395 ET
6 SEQ.), A MEDICARE ADVANTAGE PLAN OFFERED BY A MEDICARE ADVANTAGE
7 ORGANIZATION UNDER PART C OF TITLE XVIII OF THE SOCIAL SECURITY
8 ACT, A REASONABLE COST REIMBURSEMENT CONTRACT UNDER 42 U.S.C. §
9 1395MM (RELATING TO PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS
10 AND COMPETITIVE MEDICAL PLANS), A HEALTH CARE PREPAYMENT PLAN
11 UNDER 42 U.S.C. § 1395L (RELATING TO PAYMENT OF BENEFITS) OR A
12 PRESCRIPTION DRUG PLAN OFFERED BY A PRESCRIPTION DRUG PLAN
13 SPONSOR UNDER PART D OF TITLE XVIII OF THE SOCIAL SECURITY ACT.

14 * * *

15 (E.1) IT IS A CONDITION OF DOING BUSINESS IN THIS
16 COMMONWEALTH THAT EVERY ENTITY SUBJECT TO THIS SECTION COMPLY
17 WITH THE PROVISIONS OF THIS SECTION AND AGREE NOT TO DENY A
18 CLAIM SUBMITTED BY THE DEPARTMENT ON THE BASIS OF A PLAN OR
19 CONTRACT PROVISION THAT IS INCONSISTENT WITH SUBSECTION (B.1) OR
20 (C).

21 * * *

22 Section ~~2~~ 4. If a necessary State plan amendment or Federal <--
23 waiver under section 443.15 of the act is approved by the
24 Centers for Medicare and Medicaid Services, the Secretary of
25 Human Services shall transmit notice of the approval to the
26 Legislative Reference Bureau for publication in the next
27 available issue of the Pennsylvania Bulletin.

28 Section ~~3~~ 5. This act shall take effect as follows: <--

29 (1) Except as provided under paragraph (2), the addition
30 of section 443.15 of the act shall take effect 30 days

1 following publication of the notice under section 2 of this
2 act.

3 (2) The addition of section 443.15(b) and (c) of the act
4 shall take effect immediately.

5 (3) The remainder of this act shall take effect
6 immediately.