

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 335 Session of 2023

INTRODUCED BY SCHWANK, COLLETT, FONTANA, HAYWOOD, FLYNN, HUGHES, BOSCOLA, BREWSTER, TARTAGLIONE, CAPPELLETTI, SANTARSIERO, COMMITTA, L. WILLIAMS, KEARNEY AND SAVAL, JANUARY 31, 2023

REFERRED TO HEALTH AND HUMAN SERVICES, JANUARY 31, 2023

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 reimbursement for doula  
5 services.

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

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

11 Section 449.3. Medical Assistance Reimbursement for Doula  
12 Services.--(a) The department shall provide reimbursement to a  
13 certified doula for providing childbirth education and support  
14 services, including physical and emotional support, to an  
15 individual covered under the medical assistance program during  
16 pregnancy, labor and delivery and up to one year postpartum.

17 (b) The department shall maintain a registry of certified  
18 doulas who have met the requirements provided under subsection  
19 (d) and are entitled to reimbursement under this section.

1 (c) Reimbursement under subsection (a) shall include  
2 reimbursement for travel time or mileage expenses in accordance  
3 with the annually scheduled rates determined by the Internal  
4 Revenue Service.

5 (d) To be listed on the registry of certified doulas and  
6 receive reimbursement under subsection (a), a doula shall:

7 (1) Receive and maintain certification by an approved  
8 national certification agency identified by the department.

9 (2) Obtain additional training to be reimbursed by an  
10 employer at a rate determined by the employer, focused on doula  
11 care for special populations, on becoming a Medicaid  
12 participating provider and on any additional topics as the  
13 department may require.

14 (3) Submit the following information to the department for  
15 the purpose of performing a background check:

16 (i) A report of Federal criminal history record information.

17 (ii) A report of criminal history record information from  
18 the Pennsylvania State Police as provided under 18 Pa.C.S. Ch.  
19 91 (relating to criminal history record information) or a  
20 statement from the Pennsylvania State Police that the  
21 Pennsylvania State Police central repository contains no  
22 information relating to the individual. The criminal history  
23 record information shall be limited to the information which is  
24 disseminated under 18 Pa.C.S. § 9121(b) (2) (relating to general  
25 regulations).

26 (iii) Fingerprints to the Pennsylvania State Police, its  
27 agent or an agent approved for fingerprinting by the Federal  
28 Government. The fingerprints may be used by the Pennsylvania  
29 State Police to conduct a criminal background check and shall be  
30 forwarded to the Federal Bureau of Investigation for a national

1 criminal background check.

2 (4) Maintain personal liability insurance.

3 (e) The department shall:

4 (1) Develop a Doula Advisory Board to act as a workgroup to  
5 determine the education requirements and approved accreditation  
6 entities from which a doula may receive certification. The  
7 following shall apply:

8 (i) The Doula Advisory Board shall include a diverse  
9 membership, including providers, administrators and community  
10 members, including, but not limited to, the following:

11 (A) The secretary.

12 (B) A representative from the Department of State.

13 (C) A representative from the Office of Medical Assistance  
14 Programs within the department.

15 (D) A representative from the Bureau of Family Health within  
16 the Department of Health.

17 (E) A representative from the Office of Health Equity within  
18 the Department of Health.

19 (F) A representative from a nationally recognized doula  
20 organization.

21 (G) Practicing doulas in this Commonwealth.

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

25 (ii) The Doula Advisory Board shall be responsible for  
26 developing and updating a list that includes the approved  
27 entities from which individuals seeking doula certification may  
28 gain the necessary education requirements under subsection (d)  
29 and a list of core competencies necessary to be met through the  
30 training curriculum. The list shall be updated on a quarterly

1 basis and shall be published on the department's publicly  
2 accessible Internet website.

3 (iii) All departments, commissions, agencies and public  
4 authorities of the Commonwealth shall provide the Doula Advisory  
5 Board with any reasonably requested assistance or information in  
6 a timely manner in order to fulfill its duties.

7 (iv) The Doula Advisory Board shall report the information  
8 required under this paragraph to the department on a regular  
9 basis.

10 (2) Set the rates of reimbursement for doula services  
11 rendered to a medical assistance enrollee.

12 (f) The department shall seek a State plan amendment or  
13 Federal waiver from the Centers for Medicare and Medicaid  
14 Services, if needed, to allow the medical assistance program to  
15 provide coverage for doula services in accordance with this  
16 section.

17 (g) As used in this section, the term "doula" shall mean a  
18 professional trained to provide physical, emotional and  
19 informational support to a mother before, during and after  
20 childbirth.

21 Section 2. If a necessary State plan amendment or Federal  
22 waiver under section 449.3(f) of the act is approved by the  
23 Centers for Medicare and Medicaid Services, the Secretary of  
24 Human Services shall transmit notice of the approval to the  
25 Legislative Reference Bureau for publication in the Pennsylvania  
26 Bulletin.

27 Section 3. This act shall take effect as follows:

28 (1) Except as provided under paragraph (2), the addition  
29 of section 449.3 of the act shall take effect 30 days  
30 following publication of the notice under section 2 of this

1 act.

2 (2) The addition of section 449.3(e) and (f) of the act  
3 shall take effect immediately.

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