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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2109 Session of  
2019

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INTRODUCED BY CEPHAS, KINSEY, YOUNGBLOOD, A. DAVIS, SOLOMON,  
ZABEL, SCHLOSSBERG, KENYATTA, OTTEN, FITZGERALD, SHUSTERMAN,  
HANBIDGE, T. DAVIS, INNAMORATO, FRANKEL AND McCLINTON,  
DECEMBER 9, 2019

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REFERRED TO COMMITTEE ON HEALTH, DECEMBER 9, 2019

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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 449.1. 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

1 (d) and are entitled to reimbursement under this section.

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

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

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

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

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

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

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

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

1 forwarded to the Federal Bureau of Investigation for a national  
2 criminal background check.

3 (4) Maintain personal liability insurance.

4 (e) The department shall:

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

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

12 (A) The secretary.

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

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

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

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

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

22 (G) Practicing doulas in this Commonwealth.

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

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

1 curriculum. The list shall be updated on a quarterly basis and  
2 shall be published on the department's publicly accessible  
3 Internet website.

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

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

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

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

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

22 Section 2. If a necessary State plan amendment or Federal  
23 waiver under section 449.1(f) 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 Pennsylvania  
27 Bulletin.

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

29 (1) Except as provided under paragraph (2), the addition  
30 of section 449.1 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 449.1(e) and (f) of the act  
4 shall take effect immediately.

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