

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 AND SALISBURY, AUGUST 7, 2023

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 17, 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 reimbursement COVERAGE for <--
5 doula 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~~

1 ~~doulas who have met the requirements provided under subsection~~
2 ~~(d) and are entitled to reimbursement under this section.~~

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

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

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

11 ~~(2) Obtain additional training to be reimbursed by an~~
12 ~~employer at a rate determined by the employer, focused on:~~

13 ~~(i) Doula care for special populations.~~

14 ~~(ii) Becoming a Medicaid participating provider.~~

15 ~~(iii) Any additional topics as the department may require.~~

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

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

19 ~~(ii) A report of criminal history record information from~~
20 ~~the Pennsylvania State Police as provided under 18 Pa.C.S. Ch.~~

21 ~~91 (relating to criminal history record information) or a~~

22 ~~statement from the Pennsylvania State Police that the~~

23 ~~Pennsylvania State Police central repository contains no~~

24 ~~information relating to the individual. The criminal history~~

25 ~~record information shall be limited to the information which is~~

26 ~~disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to general~~
27 ~~regulations).~~

28 ~~(iii) Fingerprints to the Pennsylvania State Police, its~~

29 ~~agent or an agent approved for fingerprinting by the Federal~~

30 ~~Government. The fingerprints may be used by the Pennsylvania~~

~~1 State Police to conduct a criminal background check and shall be
2 forwarded to the Federal Bureau of Investigation for a national
3 criminal background check.~~

~~4 (4) Maintain personal liability insurance.~~

~~5 (c) The department shall:~~

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

~~10 (i) The Doula Advisory Board shall include a diverse
11 membership, including providers, administrators and community
12 members, including the following:~~

~~13 (A) The secretary.~~

~~14 (B) A representative from the Department of State.~~

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

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

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

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

~~23 (G) Practicing doulas in this Commonwealth.~~

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

~~27 (ii) The Doula Advisory Board shall be responsible for
28 developing and updating a list that includes the approved
29 entities from which individuals seeking doula certification may
30 gain the necessary education requirements under subsection (d)~~

1 ~~and a list of core competencies necessary to be met through the~~
2 ~~training curriculum. The list shall be updated on a quarterly~~
3 ~~basis and shall be published on the department's publicly~~
4 ~~accessible Internet website.~~

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

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

13 ~~(2) Set the rates of reimbursement for doula services~~
14 ~~rendered to a medical assistance enrollee.~~

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

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

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

30 ~~Section 3. This act shall take effect as follows:~~

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

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

7 ~~(3) The remainder of this act shall take effect~~
8 ~~immediately.~~

9 SECTION 443.15. MEDICAL ASSISTANCE COVERAGE FOR DOULA <--

10 SERVICES.-- (A) SUBJECT TO FEDERAL APPROVAL, DOULA SERVICES ARE
11 COMPENSABLE UNDER THE MEDICAL ASSISTANCE PROGRAM FOR ELIGIBLE
12 AND ENROLLED MEDICAL ASSISTANCE RECIPIENTS DURING PREGNANCY,
13 LABOR AND DELIVERY AND UP TO ONE YEAR POSTPARTUM.

14 (B) THE DEPARTMENT SHALL ESTABLISH A DOULA ADVISORY BOARD TO
15 ADVISE THE SECRETARY REGARDING THE FOLLOWING:

16 (1) DOULA BEST PRACTICES.

17 (2) DOULA PARTICIPATION IN THE MEDICAL ASSISTANCE PROGRAM.

18 (3) RACIAL AND GEOGRAPHIC DISPARITIES IN THE PROVISION OF
19 MATERNAL HEALTH SERVICES.

20 (4) EQUITY AND INCLUSION BEST PRACTICES.

21 (C) THE DOULA ADVISORY BOARD SHALL INCLUDE THE FOLLOWING:

22 (1) THE SECRETARY.

23 (2) A REPRESENTATIVE FROM THE DEPARTMENT OF STATE.

24 (3) A REPRESENTATIVE FROM THE OFFICE OF MEDICAL ASSISTANCE
25 PROGRAMS WITHIN THE DEPARTMENT.

26 (4) A REPRESENTATIVE FROM THE BUREAU OF FAMILY HEALTH WITHIN
27 THE DEPARTMENT OF HEALTH.

28 (5) A REPRESENTATIVE FROM THE OFFICE OF HEALTH EQUITY WITHIN
29 THE DEPARTMENT OF HEALTH.

30 (6) A REPRESENTATIVE FROM A NATIONALLY RECOGNIZED DOULA

1 ORGANIZATION.

2 (7) A DOULA PRACTICING IN THIS COMMONWEALTH.

3 (8) A MEMBER OF THE MATERNAL MORTALITY REVIEW COMMITTEE

4 ESTABLISHED UNDER THE ACT OF MAY 9, 2018 (P.L.118, NO.24), KNOWN
5 AS THE MATERNAL MORTALITY REVIEW ACT.

6 (9) A MEMBER OF A COMMISSION THAT SUPPORTS DOULA PRACTICE IN
7 PENNSYLVANIA.

8 (10) AS DEEMED APPROPRIATE BY THE DEPARTMENT, ANY OTHER
9 RESIDENTS OF THIS COMMONWEALTH WHO REPRESENT THE DIVERSE
10 DEMOGRAPHICS OF PENNSYLVANIA.

11 (D) THE DEPARTMENT SHALL SEEK A STATE PLAN AMENDMENT OR
12 FEDERAL WAIVER FROM THE CENTERS FOR MEDICARE AND MEDICAID
13 SERVICES, IF NEEDED, FOR PROVISION OF DOULA SERVICES UNDER THE
14 MEDICAL ASSISTANCE PROGRAM.

15 (E) AS USED IN THIS SECTION, THE TERM "DOULA" SHALL MEAN A
16 PROFESSIONAL TRAINED TO PROVIDE PHYSICAL, EMOTIONAL AND
17 INFORMATIONAL SUPPORT TO A PREGNANT INDIVIDUAL BEFORE, DURING
18 AND AFTER CHILDBIRTH.

19 SECTION 2. IF A NECESSARY STATE PLAN AMENDMENT OR FEDERAL
20 WAIVER UNDER SECTION 443.15 OF THE ACT IS APPROVED BY THE
21 CENTERS FOR MEDICARE AND MEDICAID SERVICES, THE SECRETARY OF
22 HUMAN SERVICES SHALL TRANSMIT NOTICE OF THE APPROVAL TO THE
23 LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION IN THE NEXT
24 AVAILABLE ISSUE OF THE PENNSYLVANIA BULLETIN.

25 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

26 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), THE ADDITION
27 OF SECTION 443.15 OF THE ACT SHALL TAKE EFFECT 30 DAYS
28 FOLLOWING PUBLICATION OF THE NOTICE UNDER SECTION 2 OF THIS
29 ACT.

30 (2) THE ADDITION OF SECTION 443.15(B) AND (C) OF THE ACT

1 SHALL TAKE EFFECT IMMEDIATELY.

2 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
3 IMMEDIATELY.