

By: Walle

H.B. No. 3394

A BILL TO BE ENTITLED

AN ACT

relating to Medicaid coverage and reimbursement for doula services and reports on the provision of those services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 32, Human Resources Code, is amended by adding Section 32.02481 to read as follows:

Sec. 32.02481. MEDICAL ASSISTANCE FOR DOULA SERVICES. (a)

In this section:

(1) "Doula" means a nonmedical birthing coach who provides doula services.

(2) "Doula services" means nonmedical childbirth education, coaching, and support services, including emotional and physical support provided during pregnancy, labor, delivery, and for up to twelve months after birth during the postpartum period, or provided intermittently during pregnancy and the postpartum period. The term includes the referral of pregnant and postpartum individuals to community-based organizations, social service organizations, and licensed perinatal professionals.

(3) "Recipient" means a medical assistance program recipient.

(b) The commission shall ensure that medical assistance reimbursement is provided to a doula in accordance with this section for the provision of doula services to a pregnant or postpartum recipient.

1 (c) To be eligible for reimbursement under the medical
2 assistance program, a doula must:

3 (1) be at least 18 years of age;

4 (2) have an assigned national provider identifier
5 number, as defined by Section 531.021182, Government Code;

6 (3) be accredited by a doula training organization
7 recognized by a regional or statewide doula association, including
8 the Texas Doula Association, and provide to the commission a
9 certified copy of the accreditation;

10 (4) provide to the commission documentation
11 evidencing:

12 (A) completion of not less than 24 in-person or
13 virtual classroom hours that include any combination of doula
14 training, childbirth education and training, or postpartum
15 training;

16 (B) attendance at a breastfeeding peer support
17 training or other certified lactation counselor training;

18 (C) attendance at one or more childbirth
19 education trainings;

20 (D) attendance at two or more child births;

21 (E) completion of a cultural competency
22 training;

23 (F) completion of a training on the Health
24 Insurance Portability and Accountability Act of 1996 (42 U.S.C.
25 Section 1320d et seq.) and other patient confidentiality laws; and

26 (G) completion of a cardiopulmonary
27 resuscitation training;

1 (5) complete applicable medical assistance program
2 application and enrollment processes; and

3 (6) satisfy any other requirements the commission
4 determines appropriate.

5 (d) A doula who is included on an exclusion list published
6 by a statewide or regional doula association, including the Texas
7 Doula Association, or who engages in the practice of medicine may
8 not:

9 (1) enroll as a provider under the medical assistance
10 program; or

11 (2) otherwise receive reimbursement under the
12 program.

13 (e) Notwithstanding Subsection (c), a doula who does not
14 meet the qualifications described by that subsection may receive
15 medical assistance reimbursement if the doula provides to the
16 commission documentation the commission determines sufficient
17 evidencing that the doula has provided doula services for not less
18 than 12 consecutive months before reimbursement is provided. A
19 doula who is eligible to receive reimbursement under this
20 subsection must:

21 (1) complete any applicable medical assistance
22 program application and enrollment processes; and

23 (2) complete any courses or training necessary to meet
24 the qualifications described by Subsection (c) not later than 12
25 months after the doula's enrollment in the medical assistance
26 program under this subsection.

27 (f) The executive commissioner by rule shall prescribe the

1 services for which a doula may receive medical assistance
2 reimbursement, which may include:

3 (1) providing culturally informed services to support
4 a recipient during pregnancy and the postpartum period;

5 (2) advocating for and supporting a recipient's
6 perinatal choices, including choices related to childbirth,
7 breastfeeding, and parenting;

8 (3) providing support through the use of traditional
9 comfort measures or the provision of educational materials during
10 pregnancy, labor, and childbirth and assisting a recipient in the
11 transition to parenthood, including through home visits;

12 (4) offering evidence-based counseling and education
13 on infant care, family dynamics, feeding, emotional and physical
14 recovery from birth, and other issues related to pregnancy or the
15 postpartum period;

16 (5) providing physical and emotional support during
17 and after labor;

18 (6) facilitating access to community-based support
19 services to improve birth outcomes, including transportation,
20 housing, substance use cessation, family violence resources, and
21 other state or federal assistance programs;

22 (7) referring recipients to health care providers to
23 receive medical care or counseling as necessary;

24 (8) working as part of a recipient's multidisciplinary
25 team; and

26 (9) providing counseling or bereavement support on
27 pregnancy or infant loss.

1 (g) The commission may authorize a doula to provide any of
2 the services described by Subsection (f) using telecommunications
3 or information technology.

4 (h) The commission shall establish:

5 (1) a separate provider type for doulas for purposes
6 of enrollment as a provider; and

7 (2) a medical assistance reimbursement rate for the
8 provision of doula services to a recipient.

9 (i) The commission shall establish a statewide registry
10 accessible to the public on the commission's Internet website that
11 contains a list of doulas enrolled as a provider under the medical
12 assistance program.

13 (j) Not later than September 1 of each year, the commission,
14 in collaboration with each managed care organization that has a
15 doula in the organization's provider network, shall prepare and
16 submit to the legislature a written report on cost and utilization
17 information related to the reimbursement and provision of doula
18 services under this section.

19 SECTION 2. If before implementing any provision of this Act
20 a state agency determines that a waiver or authorization from a
21 federal agency is necessary for implementation of that provision,
22 the agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 3. This Act takes effect September 1, 2023.