88R10192 SCP-D

By:  Thierry H.B. No. 3725

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.

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

(1)  be at least 18 years of age;

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

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

(4)  provide to the commission documentation evidencing:

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

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

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

(D)  attendance at two or more child births;

(E)  completion of a cultural competency training;

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

(G)  completion of a cardiopulmonary resuscitation training;

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

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

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

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

(2)  otherwise receive reimbursement under the program.

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

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

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

(f)  The executive commissioner by rule shall prescribe the services for which a doula may receive medical assistance reimbursement, which may include:

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

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

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

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

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

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

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

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

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

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

(h)  The commission shall establish:

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

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

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

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

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

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