

2019 DRAFTING REQUEST

Bill

For: **Administration-Budget** Drafter: **swalkenh**
 By: **Bollhorst** Secondary Drafters:
 Date: **2/11/2019** May Contact:

Same as LRB:

Submit via email: **YES**
 Requester's email:
 Carbon copy (CC) to: **DOASBOSatLanguage@wisconsin.gov**
sarah.walkenhorstbarber@legis.wisconsin.gov
tamara.dodge@legis.wisconsin.gov

Pre Topic:

DOA:.....Bollhorst, BB0319 -

Topic:

MA reimbursement for doula services

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	swalkenh 2/14/2019	kfollett 2/15/2019			
/P1	swalkenh 2/16/2019		dwalker 2/15/2019		State
/P2	swalkenh 2/19/2019	kfollett 2/16/2019	chanaman 2/17/2019		State
/P3	tdodge 2/21/2019	anienaja 2/21/2019	mbarman 2/19/2019		State

Vers. Drafted

Reviewed

Submitted

Jacketed

Required

/P4

dwalker
2/21/2019

State

FE Sent For:

<END>

Walkenhorst Barber, Sarah

From: Hanaman, Cathlene
Sent: Monday, February 11, 2019 9:03 AM
To: Dodge, Tamara; Paczusi, Konrad; Walkenhorst Barber, Sarah
Subject: FW: Statutory Language Drafting Request - 2019-21
Attachments: Medicaid doula pilot project.docx

From: Bollhorst, Nathan - DOA <Nathan.Bollhorst@wisconsin.gov>
Sent: Sunday, February 10, 2019 2:26 PM
To: Hanaman, Cathlene <Cathlene.Hanaman@legis.wisconsin.gov>
Cc: Dombrowski, Cynthia A - DOA <Cynthia.Dombrowski@wisconsin.gov>; Bollhorst, Nathan - DOA <Nathan.Bollhorst@wisconsin.gov>
Subject: Statutory Language Drafting Request - 2019-21

Biennial Budget: 2019-21

Topic: MA reimbursement for doula services

Tracking Code: BB0319

SBO Team: HSI

SBO Analyst: Bollhorst, Nathan
Phone: 608-267-7980
E-mail: Nathan.Bollhorst@wisconsin.gov

Agency Acronym: 435

Agency Number: 435

Priority: High

Intent:

See attachment.

Attachments: True

Please send completed drafts to SBOSatlanguage@spmail.enterprise.wistate.us

Walkenhorst Barber, Sarah

From: Bollhorst, Nathan - DOA
Sent: Wednesday, February 13, 2019 10:36 AM
To: Walkenhorst Barber, Sarah
Cc: Dombrowski, Cynthia A - DOA
Subject: Doula Nonstatutory Language

Sarah,

I was informed you are working on the doula language. Can you please add nonstatutory language to the draft that reflects the following:

- direct the department to grant \$192,000 in FY20 from 20.435(4)(a) to a public or private entity, Indian tribe or tribal organization, or community-based organization for a community-based doula grant. Funds must be used identify and train local community workers to mentor pregnant women.

Thank you,



Nathan Bollhorst | Executive Policy & Budget Analyst
Department of Administration
Division of Executive Budget and Finance
Nathan.Bollhorst@wisconsin.gov
Main: (608) 267-7980

Doulas

Proposal

The Department proposes to reimburse doulas for services they provide to pregnant women during pregnancy, during childbirth, and in the post-partum period. Services provided by doulas are supportive in nature, including planning for the birthing process, support during the labor and birth of a child, and addressing the social and emotional needs of pregnant and post-partum woman.

Background

Currently Minnesota's, Oregon's, and New York's Medicaid programs cover doula services. Minnesota's and Oregon's policies allow doula services to be rendered statewide; New York's is implementing a pilot program in Erie and Kings (Brooklyn) Counties.

Current Language

Statutory language regarding Medicaid benefits is under s. 49.45 and s. 49.46. Services provided by doulas are not expressly provided.

Proposed Change

Add language to authorize the Medicaid program to reimburse services provided by doulas. Authorize DHS to seek any necessary federal Medicaid state plan amendments or waivers. The language should not restrict the Department in providing the services either through managed care or fee for service. For example:

Create 49.45(24h) to read

Doula Services Pilot.

(a) The department shall reimburse under the Medical Assistance program benefits under s. 49.45(30y) for pregnant women enrolled in the Medical assistance program who reside in, at minimum, Milwaukee, Rock, Dane, Brown or Sheboygan County. The department shall seek any necessary approvals from the federal department of health and human services for a waiver, demonstration project authority, or state plan amendment necessary. The department is exempt from requirements under s.20.940 and s. 49.45(2t).

Create 49.45(30y) to read

Certified Doula Services.

(a) "Certified Doula" means an individual who has received certification from doula certifying organization recognized by the department.

(b) Services provided by certified doulas include continuous emotional and physical support during labor and birth of a child and intermittent services during the prenatal and postpartum periods.

Create 49.46(2)(b)(12d) to read:

(12d) Subject to the limitations under 49.45(24h) and 49.45(30y), services provided by a certified doula.

Desired Effective Date: Upon passage
Agency: DHS
Agency Contact: Andy Forsaith
Phone: 266-7684



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1927(?)
SWB: [Signature]
1/1

DOA:.....Bollhorst, BB0319 - MA reimbursement for doula services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

IN 2/14

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau
HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

1. Medical Assistance reimbursement for doula services

This bill requires DHS to request any necessary federal approval to allow Medical Assistance program reimbursement for doula services. Under current law, DHS administers the Medical Assistance program, which is a joint federal and state program that provides health services to individuals who have limited resources. DHS is required to pay allowable charges to certified providers for Medical Assistance on behalf of eligible recipients for certain federally mandated benefits and other additional services. Subject to any required federal approval, the bill establishes a pilot program to provide reimbursement for services provided for pregnant women enrolled in the Medical Assistance program who reside in the counties of Brown, Dane, Milwaukee, Rock, or Sheboygan, or another county as determined by DHS.

Under this bill, doula services are added as one of the benefits covered under the Medical Assistance program, subject to any necessary federal approval. Under the bill, doula services include continuous emotional and physical support during labor and birth of a child and intermittent services during the prenatal and postpartum periods.

The bill also requires DHS to award in fiscal year 2019-20 a grant of \$192,000 to a public or private entity, American Indian tribe or tribal organization, or community-based organization a grant for community-based doulas. The recipient must use the grant to identify and train local community workers to mentor pregnant women.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

→ SECTION #49.45 304jCR

1 49.45 (30y) CERTIFIED DOULA SERVICES; PILOT PROJECT. (a) In this subsection,
2 “certified doula” means an individual who has received certification from a doula
3 certifying organization recognized by the department.

4 (b) For purposes of this subsection, services provided by certified doulas include
5 continuous emotional and physical support during labor and birth of a child and
6 intermittent services during the prenatal and postpartum periods.

7 (c) Subject to par. (d), the department shall reimburse under the Medical
8 Assistance program benefits as provided under this subsection for pregnant women
9 enrolled in the Medical Assistance program who reside in the counties of Brown,
10 Dane, Milwaukee, Rock, or Sheboygan, or another county as determined by the
11 department.

12 (d) The department shall request from the secretary of the federal department
13 of health and human services any approval necessary to allow reimbursement under
14 the Medical Assistance program for services provided by a certified doula. The
15 department may not pay reimbursement unless federal approval is not required or
16 any required federal approval allowing reimbursement under s. 49.46 (2) (b) 12p. is
17 approved and in effect. The requirements under ss. 20.940 and 49.45 (2t) do not
18 apply to this subsection.

1 **SECTION 1.** 49.46 (2) (b) 12p. of the statutes is created to read:

2 49.46 (2) (b) 12p. Subject to the limitations under s. 49.45 (30y), services
3 provided by a certified doula.

4 **SECTION 9119. Nonstatutory provisions; Health Services.**

5 (1) COMMUNITY-BASED DOULAS. From the appropriation under s. 20.435 (4) (a),
6 the department of health services shall in fiscal year 2019-20 ~~grant~~ ^{allocate} \$192,000 to a
7 public or private entity, American Indian tribe or tribal organization, or
8 community-based organization ^{for} a grant for community-based doulas. The recipient
9 of the grant shall use funds to identify and train local community workers to mentor
10 pregnant women.

11

(END)

Walkenhorst Barber, Sarah

From: Bollhorst, Nathan - DOA
Sent: Saturday, February 16, 2019 8:59 AM
To: Walkenhorst Barber, Sarah
Cc: Dombrowski, Cynthia A - DOA
Subject: 1927/P1

Sarah,

Can you update draft 1927/P1 to allow multiple grants. Example language included below:

(1) COMMUNITY-BASED DOULAS. From the appropriation under s. 20.435 (4) (a), the department of health services shall in fiscal year 2019-20 allocate \$192,000 to a public or private entities, American Indian tribes or tribal organizations, or community-based organizations for a grants for community-based doulas. The recipients of the grants shall use funds to identify and train local community workers to mentor pregnant women.

Thank you,



Nathan Bollhorst | Executive Policy & Budget Analyst
Department of Administration
Division of Executive Budget and Finance
Nathan.Bollhorst@wisconsin.gov
Main: (608) 267-7980

Walkenhorst Barber, Sarah

From: Bollhorst, Nathan - DOA
Sent: Tuesday, February 19, 2019 12:26 PM
To: Walkenhorst Barber, Sarah
Cc: Dombrowski, Cynthia A - DOA
Subject: 1927/P2

Sarah,

Please amend 1927/P2 Section 9119. To reference 20.435(4)(bm) instead of 20.435(4)(a).

Thank you,



Nathan Bollhorst | Executive Policy & Budget Analyst
Department of Administration
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Main: (608) 267-7980



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1927/PT
SWB:kjf

1P2
RMR

DOA:.....Bollhorst, BB0319 - MA reimbursement for doula services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

IN 2/16

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Medical Assistance reimbursement for doula services

This bill requires DHS to request any necessary federal approval to allow Medical Assistance program reimbursement for doula services. Under current law, DHS administers the Medical Assistance program, which is a joint federal and state program that provides health services to individuals who have limited resources. DHS is required to pay allowable charges to certified providers for Medical Assistance on behalf of eligible recipients for certain federally mandated benefits and other additional services. Subject to any required federal approval, the bill establishes a pilot program to provide reimbursement for services provided for pregnant women enrolled in the Medical Assistance program who reside in the counties of Brown, Dane, Milwaukee, Rock, or Sheboygan, or another county as determined by DHS.

Under this bill, doula services are added as one of the benefits covered under the Medical Assistance program, subject to any necessary federal approval. Under the bill, doula services include continuous emotional and physical support during labor and birth of a child and intermittent services during the prenatal and postpartum periods.

entities

grants totaling

X

The bill also requires DHS to award in fiscal year 2019-20 a grant of \$192,000 to a public or private entity American Indian tribes or tribal organization or community-based organizations for community-based doulas. The recipients must use the grants to identify and train local community workers to mentor pregnant women.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 49.45 (30y) of the statutes is created to read:

2 49.45 (30y) CERTIFIED DOULA SERVICES; PILOT PROJECT. (a) In this subsection,

3 “certified doula” means an individual who has received certification from a doula

4 certifying organization recognized by the department.

5 (b) For purposes of this subsection, services provided by certified doulas include

6 continuous emotional and physical support during labor and birth of a child and

7 intermittent services during the prenatal and postpartum periods.

8 (c) Subject to par. (d), the department shall reimburse under the Medical

9 Assistance program benefits as provided under this subsection for pregnant women

10 enrolled in the Medical Assistance program who reside in the counties of Brown,

11 Dane, Milwaukee, Rock, or Sheboygan, or another county as determined by the

12 department.

13 (d) The department shall request from the secretary of the federal department

14 of health and human services any approval necessary to allow reimbursement under

15 the Medical Assistance program for services provided by a certified doula. The

16 department may not pay reimbursement unless federal approval is not required or

17 any required federal approval allowing reimbursement under s. 49.46 (2) (b) 12p. is

1 approved and in effect. The requirements under ss. 20.940 and 49.45 (2t) do not
2 apply to this subsection.

3 SECTION 2. 49.46 (2) (b) 12p. of the statutes is created to read:

4 49.46 (2) (b) 12p. Subject to the limitations under s. 49.45 (30y), services
5 provided by a certified doula.

6 SECTION 9119. Nonstatutory provisions; Health Services.

7 (1) COMMUNITY-BASED DOULAS. From the appropriation under s. 20.435 (4) (a),
8 the department of health services shall in fiscal year 2019-20 allocate \$192,000 to
9 a public or private ^{entities} entity, American Indian ^{tribes} tribe or tribal ^{organizations} organization, or
10 community-based ^{organizations} organization for ^{grants} a grant for community-based doulas. The
11 ^{recipients} recipient of the ^{grants} grant shall use ^{the monies} funds to identify and train local community workers
12 to mentor pregnant women.

13 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1927/P4dn

SWB:...*am*

Date

This draft reconciles LRB-1927/P3, LRB-1566/P1, and LRB-1569/P1. All of these drafts should continue to appear in the compiled bill.

Sarah Walkenhorst Barber
Legislative Attorney
(608) 504-5826
sarah.walkenhorstbarber@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1927/P3
SWB:kjf

ep4

DOA:.....Bollhorst, BB0319 - MA reimbursement for doula services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

D-note

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

1. Medical Assistance reimbursement for doula services

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The bill also requires DHS to award in fiscal year 2019-20 grants totaling \$192,000 to public or private entities, American Indian tribes or tribal organizations, or community-based organizations for community-based doulas. The recipients must use the grants to identify and train local community workers to mentor pregnant women.

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7 intermittent services during the prenatal and postpartum periods.

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9 Assistance program benefits as provided under this subsection for pregnant women
10 enrolled in the Medical Assistance program who reside in the counties of Brown,
11 Dane, Milwaukee, Rock, or Sheboygan, or another county as determined by the
12 department.

13 (d) The department shall request from the secretary of the federal department
14 of health and human services any approval necessary to allow reimbursement under
15 the Medical Assistance program for services provided by a certified doula. The
16 department may not pay reimbursement unless federal approval is not required or
17 any required federal approval allowing reimbursement under s. 49.46 (2) (b) 12p. is

Insert
3-3

1 approved and in effect. The requirements under ss. 20.940 and 49.45 (2t) do not
2 apply to this subsection.

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9 public or private entities, American Indian tribes or tribal organizations, or
10 community-based organizations for grants for community-based doulas. The
11 recipients of the grants shall use the moneys to identify and train local community
12 workers to mentor pregnant women.

13 (END)

**2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1927/P4ins
SWB:...*amw*

1 **INSERT 3-3**

****NOTE: This is reconciled s. 49.45 (30y)¹ (d). This SECTION has been affected by drafts with the following LRB numbers: -1927/P3, -1566/P1, and -1569/P1.

2 **END INSERT 3-3**

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1927/P4dn
SWB:amn

February 21, 2019

This draft reconciles LRB-1927/P3, LRB-1566/P1, and LRB-1569/P1. All of these drafts should continue to appear in the compiled bill.

Sarah Walkenhorst Barber
Legislative Attorney
(608) 504-5826
sarah.walkenhorstbarber@legis.wisconsin.gov



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-1927/P4
SWB:kjf

DOA:.....Bollhorst, BB0319 - MA reimbursement for doula services

FOR 2019-2021 BUDGET -- NOT READY FOR INTRODUCTION

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Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

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18 approved and in effect.

