

**Adopt He-W 545 to read as follows:****PART He-W 545 DOULA SERVICES****He-W 545.01 Definitions.**

(a) “Current procedural terminology (CPT) code” means a unique identifying code in the field of medical nomenclature and designated by USDHHS as the national coding standard utilized in government and private health insurance programs for reporting medical services and procedures.

(b) “Department” means the New Hampshire (NH) department of health and human services.

(c) “Doula” means a trained non-clinical professional who provides continuous physical, emotional, and informational support to a woman during the perinatal period.

(d) “Doula services” means “doula services” as defined in RSA 126-A:99, namely “services provided by a highly-qualified doula certified by the state pursuant to RSA 310-A:222 and designed to provide physical, emotional, and educational support to pregnant women before, during, and after childbirth.”

(e) “Healthcare Common Procedure Coding System” (HCPCS) means a standardized coding system used by Medicare that describes services and procedures. HCPCS includes CPT codes that are used primarily to identify products, supplies, and services not included in the normal CPT code list, such as ambulance services and durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS), when used outside a physician’s office.

(f) “Medicaid” means the Title XIX and Title XXI programs administered by the department, which makes medical assistance available to eligible individuals.

(g) “Perinatal period” means the period that extends from conception through 12 months after the end of pregnancy, inclusive of all birth outcomes.

(h) “Postpartum period” means any time from the end of pregnancy through 12 months after the end of pregnancy, inclusive of all birth outcomes.

(i) “Recipient” means an individual who is eligible for and receiving medical assistance under the medicaid program.

(j) “Title XIX” means the joint federal-state program described in Title XIX of the Social Security Act and administered in NH by the department under the medicaid program.

(k) “Title XXI” means the joint federal-state program described in Title XXI of the Social Security Act and administered in NH by the department under the medicaid program.

(l) “Unit” means a 15 minute increment.

**He-W 545.02 Recipient Eligibility.** All NH medicaid recipients shall be eligible to receive doula services, in accordance with He-W 545.

**He-W 545.03 Provider Participation.** Each participating doula shall be:

(a) Certified in accordance with the office of professional licensure and certification rules found in Plc 1903; and

(b) A NH enrolled medicaid provider.

He-W 545.04 Service Limits.

- (a) Doula services may include prenatal and postpartum visits as well as a labor and delivery visit.
- (b) The total limit of prenatal and postpartum doula services per recipient is 8 hours, or 120 units. If a doula is billing all 8 hours, this must include at least 2 postpartum units and a labor and delivery visit.
- (c) If the doula services will only include prenatal visits, the limit is 6 hours or 90 units.
- (d) These limits may be exceeded if prior authorization is granted by the department based on medical necessity, in accordance with He-W 530.07.

He-W 545.05 Covered Services.

- (a) Doula services shall be covered when recommended by a physician, physician assistant, advanced practice registered nurse, certified nurse midwife, licensed professional counselor, licensed marriage and family therapist, licensed clinical social worker, or licensed psychologist.
- (b) Covered services include:
  - (1) Support and assistance during labor and childbirth;
  - (2) Prenatal and postpartum support and education;
  - (3) Breastfeeding assistance and lactation support;
  - (4) Parenting education; and
  - (5) Support for a birthing person following loss of pregnancy.

He-W 545.06 Utilization Review & Control.

- (a) The department's bureau of program integrity shall monitor utilization of doula services to identify, prevent, and correct potential occurrences of fraud, waste, and abuse in accordance with He-W 520, He-W 521, 42 CFR 455, and 42 CFR 456.
- (b) The department shall recoup state and federal medicaid payments as permitted by 42 CFR 455, 42 CFR 447, and 42 CFR 456 for a provider's failure to maintain supporting records in accordance with He-W 520 and He-W 540.

He-W 545.07 Third Party Liability.

- (a) All third party obligations shall be exhausted before medicaid may be billed, in accordance with 42 CFR 433.139.
- (b) Providers shall request information from the recipient regarding other insurance coverage.
- (c) If other insurance coverage is available, providers shall contact the insurer to verify benefits initially and at least annually thereafter or when the insurance carrier changes.

(d) Providers shall maintain a record of any other insurance verifications in the recipient's medical record in accordance with He-W 520.

He-W 545.08 Payment for Services.

(a) The payment rates for doula services shall be established by the department in accordance with RSA 161:4, VI.

(b) Doulas shall submit claims for payment to the department's fiscal agent.

(c) Doulas shall use CPT and HCPCS codes and coding guidelines established for use with these procedure codes when billing.

(d) Doulas shall maintain supporting records, in accordance with He-W 520 and He-W 521.

(e) Doula services may only be billed once per pregnancy. Multiple births, such as twins or triplets, are not eligible for additional reimbursement.

## APPENDIX

| Rule        | Specific State or Federal Statute or Regulations the Rule Implements |
|-------------|----------------------------------------------------------------------|
| He-W 545.01 | RSA 161:4-a, X                                                       |
| He-W 545.02 | RSA 126-A:99                                                         |
| He-W 545.03 | 42 CFR 440.210; 42 CFR 440.220                                       |
| He-W 545.04 | 42 CFR 440.210; 42 CFR 440.220                                       |
| He-W 545.05 | RSA 126-A:99; 42 CFR 440.210; 42 CFR 440.220                         |
| He-W 545.06 | 42 CFR 455; 42 CFR 456                                               |
| He-W 545.07 | 42 CFR 433.139                                                       |
| He-W 545.08 | RSA 161:4, VI; 42 CFR 447 Subpart B                                  |