

DECLARATION OF EMERGENCY

Department of Health Bureau of Health Services Financing

Medicaid Reimbursement for Licensed Midwife
or Certified Nurse Midwife Services
(LAC 50:IX.15161, 15163 and XV.27101)

The Department of Health, Bureau of Health Services Financing adopts LAC 50:IX.15161 and §15163, and amends LAC 50:XV.27101 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Emergency Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:962 and shall be in effect for the maximum period allowed under the Act or until adoption of the final Rule, whichever occurs first.

Act 207 of the 2023 Regular Session of the Louisiana Legislature directed the Department of Health to implement a Medicaid reimbursement rate for midwifery services that is, at a minimum, 95 percent of the amount reimbursed to licensed physicians for the provision of the same health services in pregnancy and childbirth when acting within their scope of practice. In compliance with Act 207, the Department of Health, Bureau of Health Services Financing adopts provisions in the Professional Service Program governing reimbursement for services provided by licensed midwives and certified nurse midwives and amends the provisions governing free-standing birthing centers in order to increase the reimbursement rate for these services.

This action is being taken to promote the health and welfare of Medicaid beneficiaries by ensuring continued provider participation in the Medicaid program. It is anticipated that implementation of this Emergency Rule will increase expenditures in the Medicaid program by \$210,641 for state fiscal year 2023-2024.

Effective August 1, 2023, the Department of Health, Bureau of Health Services Financing adopts provisions in the Professional Services Program governing reimbursement for services provided by licensed midwives and certified nurse midwives and amends the provisions governing free-standing birthing centers in order to increase the reimbursement rate for services rendered by these providers.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part IX. Professional Services Program

Subpart 15. Reimbursement

Chapter 151. Reimbursement Methodology

Subchapter G. Midwifery Services

§15161. General Provisions

A. Certified nurse midwives and licensed midwives shall be reimbursed as a percentage of physician reimbursement according to the established fee schedule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

§15163. Reimbursement Methodology

A. Effective for dates of service on or after August 1, 2023, services related to pregnancy and childbirth provided by certified nurse midwives (including licensed midwives), shall be reimbursed at 95 percent of the physician fee on file.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing, LR 49:

Part XV. Services for Special Populations

Subpart 18. Free-Standing Birthing Centers

Chapter 271. Reimbursement

§27101. Reimbursement Methodology

A. – A.3. ...

B. Effective for dates of service on or after August 1, 2023, the reimbursement amounts for certified nurse midwives and licensed nurse midwives will be as follows:

1. certified nurse midwives providing birthing services within a FSBC shall be reimbursed at 95 percent of the published fee schedule rate for physician services rendered in the Professional Services Program; and

2. licensed midwives providing birthing services within a FSBC shall be reimbursed at 95 percent of the published fee schedule rate for physician services in the Professional Services Program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:2360 (November 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 49:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

Tara A. LeBlanc, Bureau of Health Services Financing, is responsible for responding to inquiries regarding this Emergency Rule. A copy of this Emergency Rule is available for review by interested parties at parish Medicaid offices.

Stephen R. Russo, JD
Secretary

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