



State of Louisiana

Louisiana Department of Health
Office of the Secretary

To: The Honorable John Bel Edwards, Governor, State of Louisiana (Via Email)
The Honorable Jeff Landry, Attorney General, Louisiana Department of Justice (apa.submission@ag.louisiana.gov)
The Honorable Patrick Page Cortez, President, Louisiana Senate (apa.senatepresident@legis.la.gov)
The Honorable Clay Schexnayder, Speaker, Louisiana House of Representatives (apa.housespeaker@legis.la.gov)
Catherine Brindley, Editor, *Louisiana Register* (reg.submission@la.gov)
Senate Health and Welfare Committee (apa.s-h&w@legis.la.gov)
House Health and Welfare Committee (apa.h-hw@legis.la.gov)

From: Stephen R. Russo, JD, Secretary, LDH

Date: July 27, 2023

Re: Justification of Promulgation of Emergency Rule
Medicaid Reimbursement for Licensed Midwife or Certified Nurse Midwife
Services (LAC 50:IX.15161, 15163, and XV.27101)

MEMORANDUM

In accordance with the Administrative Procedure Act (La. R.S. 49:950 *et seq.*) as amended, the Louisiana Department of Health is submitting the following emergency rule that amends Medicaid Reimbursement for Licensed Midwife or Certified Nurse Midwife Services (LAC 50:IX.15161, 15163, and XV.27101).

Should you have any questions or require additional information regarding this matter, please do not hesitate to contact WaRene Kimbell, at WaRene.Kimbell@la.gov.

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

Cc: Tara LeBlanc, Medicaid Director, LDH
Kolynda Parker, Medicaid Deputy Director, LDH
Tangela Womack, Medicaid Deputy Director, LDH
Brandon Bueche, Medicaid Section Chief, LDH
Veronica Dent, Medicaid Program Manager, LDH
Bethany Blackson, Legislative Liaison, LDH
Catherine Brindley, *Louisiana Register* Editor, Office of the State Register

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

*ALL E
July 27, 2023*