

AMENDED IN SENATE APRIL 21, 2015

SENATE BILL

No. 407

**Introduced by Senator Morrell
(Coauthor: Senator Wolk)**

February 25, 2015

An act to amend Section 14134.5 of the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

SB 407, as amended, Morrell. Comprehensive Perinatal Services Program: licensed midwives.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including comprehensive perinatal services. The Medi-Cal program is, in part, governed and funded by federal Medicaid-program *Program* provisions. Existing law, to the extent that federal financial participation is available, requires that midwifery services provided by a licensed midwife be covered under the Medi-Cal program. Existing law establishes the Comprehensive Perinatal Services Program, administered by the State Department of Public Health, to maintain, to the extent resources are available, a permanent statewide community-based comprehensive perinatal system to provide care and services to low-income pregnant women and their infants who are considered underserved in terms of comprehensive perinatal care. Existing law generally authorizes a health care provider to employ or contract specified practitioners, including physicians and certified nurse midwives, for the purpose of providing comprehensive perinatal services.

This bill would additionally authorize a health care provider to employ or contract licensed midwives for the purpose of providing comprehensive perinatal services. The bill would expand the definition of “comprehensive perinatal provider” as used in these provisions to include a licensed midwife. *The bill would declare that its provisions shall not be construed to revise or expand the scope of practice, as defined, of licensed midwives.* The bill would require the State Department of Health Care Services to commence, no later than March 1, 2016, the revision of existing regulations as it determines are necessary for the implementation of this bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14134.5 of the Welfare and Institutions
2 Code is amended to read:
3 14134.5. All of the following provisions apply to the provision
4 of services pursuant to subdivision (u) of Section 14132:
5 (a) “Comprehensive perinatal provider” means any general
6 practice physician, family practice physician,
7 obstetrician-gynecologist, pediatrician, certified nurse midwife,
8 licensed midwife, a group, any of whose members is one of the
9 above-named providers, or any preferred provider organization or
10 clinic enrolled in the Medi-Cal program and certified pursuant to
11 the standards of this section.
12 (b) “Perinatal” means the period from the establishment of
13 pregnancy to one month following delivery.
14 (c) “Comprehensive perinatal services” shall include, but not
15 be limited to, the provision of the combination of services
16 developed through the former Department of Health Services
17 Obstetrical Access Pilot Program provided or coordinated by a
18 comprehensive perinatal provider.
19 (d) The comprehensive perinatal provider shall schedule visits
20 with appropriate providers and shall track the patient to verify
21 whether services have been received. As part of the reimbursement
22 for coordinating these services, the comprehensive perinatal
23 provider shall ensure the provision of the following services either
24 through the provider’s own service or through subcontracts or
25 referrals to other providers:

1 (1) A psychosocial assessment and when appropriate referrals
2 to counseling.

3 (2) Nutrition assessments and when appropriate referral to
4 counseling on food supplement programs, ~~vitamins~~ *vitamins*, and
5 ~~breast-feeding~~; *breastfeeding*.

6 (3) Health, childbirth, and parenting education.

7 (e) Except where existing law prohibits the employment of
8 physicians, a health care provider may employ or contract with all
9 of the following medical and other practitioners for the purpose
10 of providing the comprehensive services delineated in this section:

11 (1) Physicians, including a general practitioner, a family practice
12 physician, a pediatrician, or an obstetrician-gynecologist.

13 (2) Certified nurse midwives.

14 (3) Licensed midwives.

15 (4) Nurses.

16 (5) Nurse practitioners.

17 (6) Physician assistants.

18 (7) Social workers.

19 (8) Health and childbirth educators.

20 (9) Registered dietitians.

21 The department shall adopt regulations that define the
22 qualifications of any of these practitioners who are not currently
23 included under the regulations adopted pursuant to this chapter.
24 Providers shall, as feasible, utilize staffing patterns that reflect the
25 linguistic and cultural features of the populations they serve.

26 (f) The California Medical Assistance Program and the Maternal
27 and Child Health Branch of the State Department of Public Health
28 in consultation with the California Conference of Local Health
29 Officers shall establish standards for health care providers and for
30 services rendered pursuant to this subdivision.

31 (g) The department shall assist local health departments to
32 establish a community perinatal program whose responsibilities
33 may include certifying and monitoring providers of comprehensive
34 perinatal services. The department shall provide the local health
35 departments with technical assistance for the purpose of
36 implementing the community perinatal program. The department
37 shall, to the extent feasible, and to the extent funding for
38 administrative costs is available, utilize local health departments
39 in the administration of the perinatal program. If these funds are

1 not available, the department shall use alternative means to
2 implement the community perinatal program.

3 (h) It is the intent of the Legislature that the department shall
4 establish a method for reimbursement of comprehensive perinatal
5 providers that shall include a fee for coordinating services and
6 shall be sufficient to cover reasonable costs for the provision of
7 comprehensive perinatal services. The department may utilize fees
8 for service, capitated fees, or global fees to reimburse providers.
9 However, if capitated or global fees are established, the department
10 shall set minimum standards for the provision of services including,
11 but not limited to, the number of prenatal visits and the amount
12 and type of psychosocial, nutritional, and educational services
13 patients shall receive.

14 Notwithstanding the type of reimbursement system, the
15 comprehensive perinatal provider shall not be financially at risk
16 for the provision of inpatient services. The provision of inpatient
17 services that are not related to perinatal care shall not be subject
18 to the provisions of this section. Inpatient services related to
19 services pursuant to this subdivision shall be reimbursed, in
20 accordance with Section 14081, 14086, 14087, or 14087.2,
21 whichever is applicable.

22 (i) The department shall develop systems for monitoring and
23 oversight of the comprehensive perinatal services provided in this
24 section. The monitoring shall include, but shall not be limited to,
25 collection of information using the perinatal data form.

26 (j) Participation for services provided pursuant to this section
27 shall be voluntary. The department shall adopt patient rights
28 safeguards for recipients of the comprehensive perinatal services.

29 (k) *The amendments made to this section by the act that added*
30 *this subdivision shall not be construed to revise or expand the*
31 *scope of practice of licensed midwives, as defined in Article 24*
32 *(commencing with Section 2505) of Chapter 5 of Division 2 of the*
33 *Business and Professions Code.*

34 SEC. 2. The State Department of Health Care Services shall
35 commence, no later than March 1, 2016, the revision of existing
36 regulations as it determines are necessary for the implementation
37 of the amendments made to Section 14134.5 of the Welfare and
38 Institutions Code by this act, in accordance with the Administrative

- 1 Procedure Act (Chapter 3.5 (commencing with Section 11340) of
- 2 Part 1 of Division 3 of Title 2 of the Government Code).

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