

1 H.777

2 Introduced by Committee on Health Care

3 Date:

4 Subject: Health; health insurance; home births; licensed midwife; certified  
5 nurse midwife

6 Statement of purpose: This bill proposes to clarify health insurance coverage  
7 requirements for home births and other services provided by licensed  
8 midwives and certified nurse midwives; to ensure that all midwives submit  
9 data to a nationwide database; to require the midwife appointees to the office  
10 of professional regulation's advisory board, not the commissioner of health, to  
11 access the database to obtain relevant data; and to require licensed midwives to  
12 maintain certification in neonatal resuscitation.

13 An act relating to licensed midwives and certified nurse midwives

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 8 V.S.A. § 4099d is amended to read:

16 § 4099d. MIDWIFERY COVERAGE; HOME BIRTHS

17 (a) A health insurance plan ~~or health benefit plan~~ providing maternity  
18 benefits shall also provide coverage for services rendered by ~~a midwife~~  
19 midwives licensed pursuant to 26 V.S.A. chapter 85 ~~of Title 26 or an~~ and by  
20 advanced practice registered ~~nurse~~ nurses licensed pursuant to 26 V.S.A.

1 chapter 28 of ~~Title 26~~ who ~~is~~ are certified as a nurse ~~midwife~~ midwives for  
2 covered services that are within the licensed midwife's or certified nurse  
3 midwife's scope of practice ~~and, whether~~ provided in a hospital or other health  
4 care facility or at home.

5 (b) Coverage for services provided by a licensed midwife or certified nurse  
6 midwife shall not be subject to any greater co-payment, deductible, or  
7 coinsurance than is applicable to any other similar benefits provided by the  
8 plan.

9 (c) A health insurance plan may require that the maternity services be  
10 provided by a licensed midwife or certified nurse ~~midwife~~ under contract with  
11 the plan.

12 (d) As used in this section, "health insurance plan" means any health  
13 insurance policy or health benefit plan offered by a health insurer, as defined in  
14 18 V.S.A. § 9402, as well as Medicaid, the Vermont health access plan, and  
15 any other public health care assistance program offered or administered by the  
16 state or by any subdivision or instrumentality of the state. The term shall not  
17 include policies or plans providing coverage for specific disease or other  
18 limited benefit coverage.

1 Sec. 1a. INSURANCE COVERAGE FOR MIDWIFERY

2 (a) Notwithstanding 8 V.S.A. § 4099d(c), until July 1, 2014, for home birth  
3 services to be provided by a licensed midwife or a certified nurse midwife, a  
4 health insurance plan shall not:

5 (1) require that the licensed midwife or certified nurse midwife be under  
6 contract with the plan or participate in the plan's network; or

7 (2) offer a plan that only covers midwifery services provided by a  
8 licensed midwife or certified nurse midwife when a network provider is used.

9 (b) Notwithstanding 8 V.S.A. § 4099d(c), until July 1, 2014, a licensed  
10 midwife or certified nurse midwife who does not participate in a health  
11 insurance plan's network shall not be subject to or required to meet the plan's  
12 network requirements, including the requirement to maintain professional  
13 liability insurance, provided that a licensed midwife or certified nurse midwife  
14 who is not in the plan's network shall disclose in writing to each patient  
15 whether the midwife is covered by a professional liability policy and shall  
16 obtain a signed and dated acknowledgment from each such patient of such  
17 disclosure.

18 Sec. 2. 26 V.S.A. § 1614 is amended to read:

19 § 1614. APRN RENEWAL

20 An APRN license renewal application shall include:

21 (1) documentation of completion of the APRN practice requirement;

1 (2) a current certification by a national APRN specialty certifying  
2 organization;

3 (3) current practice guidelines; ~~and~~

4 (4) a current collaborative provider agreement if required for transition  
5 to practice; and

6 (5) for a certified nurse midwife, verification that the midwife has  
7 submitted to the database maintained by the Division of Research of the  
8 Midwives Alliance of North America data for each home birth he or she  
9 attended.

10 Sec. 3. 26 V.S.A. § 4187 is amended to read:

11 § 4187. RENEWALS

12 (a)(1) Biennially, the director shall forward a renewal form to each licensed  
13 midwife. The completed form shall include verification that during the  
14 preceding two years, the licensed midwife has:

15 (A) completed 20 hours of continuing education approved by the  
16 director by rule;

17 (B) participated in at least four peer reviews;

18 (C) submitted individual practice data;

19 (D) maintained current cardiopulmonary resuscitation certification  
20 for adults and newborns and for neonatal resuscitation; ~~and~~

1 (E) filed a timely certificate of birth for each birth at which he or she  
2 was the attending midwife, as required by law; and

3 (F) submitted to the database maintained by the Division of Research  
4 of the Midwives Alliance of North America data for each home birth he or she  
5 attended.

6 (2) Upon receipt of the completed form and of the renewal fee, the  
7 director shall issue a renewal license to applicants who qualify under this  
8 section.

9 \* \* \*

10 Sec. 4. Sec. 8 of No. 35 of the Acts of 2011 is amended to read:

11 Sec. 8. DEPARTMENT OF HEALTH; REPORTING REQUIREMENT

12 (a) ~~The department of health~~ licensed midwives appointed as advisors to  
13 the office of professional regulation pursuant to 26 V.S.A. § 4186 shall access  
14 the database maintained by the Division of Research of the Midwives Alliance  
15 of North America to obtain information relating to care provided in Vermont  
16 by midwives licensed pursuant to 26 V.S.A. chapter 85 ~~of Title 26~~ and by  
17 advanced practice registered nurses licensed pursuant to 26 V.S.A. chapter 28  
18 ~~of Title 26~~ who are certified as nurse midwives. The advisor appointees shall  
19 provide the full aggregate data available from the database to the commissioner  
20 of health by February 15 of each year from 2012 through 2016, inclusive, to

1 enable the commissioner or designee to comply with subsection (b) of this  
2 section.

3 (b) No later than March 15 of each year from 2012 through 2016, inclusive,  
4 the commissioner of health or designee, in collaboration with the director of  
5 the office of professional regulation, shall provide testimony to the house  
6 committee on health care and the senate committee on health and welfare  
7 regarding the activities of licensed midwives and certified nurse midwives  
8 performing home births and providing prenatal and postnatal care in a  
9 nonmedical environment during the preceding year. The testimony shall  
10 include the number of home births in Vermont, the number of hospital  
11 transports associated with home births, the treatment of high-risk patients, and  
12 other relevant data, as well as the level of compliance of the licensed midwives  
13 and certified nurse midwives with the laws and rules governing their scope of  
14 practice.

15 Sec. 5. EFFECTIVE DATES

16 (a) Sec. 1 of this act shall take effect on October 1, 2012, and shall apply to  
17 all health insurance plans and health benefit plans on and after October 1,  
18 2012, on such date as a health insurer issues, offers, or renews the plan, but in  
19 no event later than October 1, 2013.

20 (b) The remaining sections of this act shall take effect on passage.