

## *H4773, An Act promoting access to midwifery care and out-of-hospital birth options*

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### **EXECUTIVE SUMMARY**

This is a comprehensive response to recommendations from the Special Commission on Racial Inequities in Maternal Health. This maternal omnibus bill centers patient safety by creating state licensure for midwives and lactation consultants, encouraging the creation of more freestanding birth centers, raising awareness on pregnancy loss and perinatal mood disorders, establishing a task force on maternal health access and birthing patient safety, and requiring certain health care providers to perform, and health insurers to cover, postpartum depression screenings.

### **Access to Breastfeeding Care**

- Currently under the ACA, breastfeeding parents can access reimbursement through their insurance if they use a licensed provider for lactation services. This bill allows International Board Certified Lactation Consultants (IBCLCs) to become licensed, ensuring insurance reimbursement for their services.
- Adds lactation consultants and an additional physician to the board of allied health professionals.
- Creates state licensure mechanism for lactation consultants.
  - Requires applicants for licensure to meet education and clinical standards established by the International Board of Lactation Consultant Examiners (IBLCE).
- Establishes requirements to be licensed as a lactation consultant. Individuals must be 18 years of age, submit an application for licensure with the Board of Allied Health Professions, meet the education and clinical standards established by the International Board of Lactation Consultant Examiners, and pass an exam adopted or administered by the board.

### **Licensure of Midwives**

- Adds a Board of Registration in Midwifery and establishes requirements and membership of the board.
- Permits a licensed midwife registered to issue written prescriptions to order, possess, purchase, and administer certain pharmaceutical agents that are consistent with the scope of midwifery practice, as determined by the Board in consultation with the Department of Public Health.
- Outlines the application process/eligibility criteria to become a licensed midwife, including Midwifery Bridge certification or Midwifery Education Accreditation Council certification.
- Requires a licensed midwife to obtain a client's written informed consent.
- Requires a licensed midwife to prepare a written plan for the appropriate delivery of emergency care.
- Outlines scope of practice for licensed midwives.
- Requires MassHealth to cover midwifery services provided by a licensed midwife regardless of the care setting.

### **Fetal and Infant Mortality Review**

- Mandates DPH to establish a program to conduct fetal and infant mortality reviews (FIMR) to identify social, economic, and systems level factors associated with fetal and infant deaths and inform public health policy programs.
- For each case of fetal or infant death to be reviewed, DPH may collect relevant data from a variety of sources, which may include physician and hospital records in addition to relevant information from local boards of health and community organizations.

### **Postpartum Depression Screenings, Coverage, and Digital Resource Center**

- Requires insurance coverage for postpartum screenings by primary care providers, obstetricians, gynecologists, certified nurse-midwives, licensed midwives, and pediatricians for PPD in mothers of newborns.
- Screenings can be performed during any pediatrician's office visit for up to one year from the child's birth.
- Requires DPH to establish a digital resource center on its website with information and resources to help health care providers and pregnant people and their families better identify symptoms of postpartum depression and other perinatal mood and anxiety disorders.

### **Pregnancy Loss Awareness**

- Requires DPH to develop and disseminate public information about pregnancy loss to the public and perinatal health care workers to prioritize the physical and mental health care of patients affected.
- DPH will develop and coordinate programs to conduct and support evidence-based research initiatives related to the causes, treatments, and procedures of pregnancy loss.

### **Updating Birth Center Regulations**

- Requires DPH to promulgate updated regulations governing the licensure of freestanding birth centers in consultation with Seven Sisters Birth Center, Neighborhood Birth Center, Massachusetts American College of Nurse Midwives, and others to align Massachusetts standards with those of the American Associations of Birth Centers, and to ensure safe, equitable, and accessible birth options.
- New regulations DPH shall promulgate for free-standing birth centers include, but are not limited to:
  - Coordination of ongoing care and transfer when complications require a higher level of care
  - No requirement to practice under supervision of other hospital or health provider
  - Birth centers are required to have birth attendants that are certified nurse midwives, licensed midwives, physicians or other providers

### **Non-Invasive Prenatal Screening (NIPS)**

- Requires MassHealth to cover Cell-Free DNA-Based NIPS to detect whether a pregnancy is at increased risk for chromosomal abnormalities such as Down Syndrome, Edwards Syndrome, or Patau Syndrome, for all pregnant patients regardless of age, baseline risk, or family history.

### **Maternal Health Access and Birthing Patient Safety Task Force**

- In light of the rising number of birthing facility closures in MA, this bill establishes a task force to study the current availability of and access to maternal health services/care and essential service closures of inpatient maternity units and acute-level birthing centers.
- Task force will identify methods to increase financial investment in and patient access to maternal health care in the Commonwealth.
- Requires the task force to issue a report on findings and policy recommendations to the Legislature.