

LAWS OF DELAWARE
VOLUME 84
CHAPTER 159
152nd GENERAL ASSEMBLY
FORMERLY
HOUSE BILL NO. 80

AN ACT TO AMEND TITLE 31 OF THE DELAWARE CODE RELATING TO COVERAGE OF DOULA SERVICES.

WHEREAS, while Black women made up 28% of Delaware live births in 2019, they represent 78% of pregnancy-related fatalities over the 2017-2021 period; and

WHEREAS, these findings align with national trends that report a three-fold higher pregnancy-related mortality ratio for Black, non-Hispanic women when compared to Caucasian women in the US from 2014-2017; and

WHEREAS, reporting by the Maternal Mortality Review on infant and fetal death found that the most common accompanying issues were related to providing a family with support in making medical decisions impacting their care, easily accessing care, and effectively communicating with healthcare professionals; and

WHEREAS, doulas provide positive, nurturing environments before, during, and after birth and can provide care that is more informed of their patient's experiences, values, or identities; and

Whereas, births with a doula have been found by the American Pregnancy Association to be less likely to require pain medication and less likely to result in a birth via cesarean section; and

WHEREAS, doulas with an established connection through the pregnancy are better able to provide continual and personalized care in instances of labor, postpartum, and even fetal or infant death; and

WHEREAS, House Bill No. 343, as amended, requiring the Division of Medicaid and Medical Assistance (DMMA) to prepare a plan for coverage of doula services, was enacted into law in 2022; and

WHEREAS, DMMA has completed that report.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 530, Title 31 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 530. Coverage for doula services.

(a) As used in this ~~section~~, section:

(1) "Carrier" means any entity that provides health insurance under § 505(3) of this title.

(2) ~~"doula"~~ "Doula services" means services provided by a trained doula and designed to provide physical, emotional, and educational support to pregnant and birthing persons before, during, and after childbirth. "Doula services" include the following:

(1) a. Support and assistance during labor and childbirth.

(2) b. Prenatal and postpartum support and education.

(3) c. Breastfeeding assistance and lactation support.

(4) d. Parenting education.

(5) e. Support for a birthing person following loss of pregnancy.

(b) ~~By November 1, 2022, the Division of Medicaid and Medical assistance shall present the General Assembly with a plan for coverage of doula services, including a draft state plan amendment or waiver, as appropriate. Beginning January 1, 2024, all carriers shall provide coverage of doula services that includes all of the following:~~

(1) Three prenatal visits, of up to 90 minutes.

(2) Three postpartum visits, of up to 90 minutes.

(3) Attendance through labor and birth.

(c) The Division of Medicaid and Medical Assistance shall establish, in collaboration with stakeholders, a process for doulas to be certified and to enroll as participating providers, as well as a reimbursement rate for doula services that supports a livable annual income for full-time practicing doulas.

Approved August 9, 2023