

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF MEDICAID AND MEDICAL ASSISTANCE
Statutory Authority: 31 Delaware Code, Section 512 (31 **Del.C.** §512)

PROPOSED

PUBLIC NOTICE

Doula Services

In compliance with the State's Administrative Procedures Act (APA - Title 29, Chapter 101 of the **Delaware Code**) and under the authority of 31 **Del.C.** §512, Delaware Health and Social Services ("Department") / Division of Medicaid and Medical Assistance (DHSS/DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Doula Services, specifically, to provide additional postpartum visits with a recommendation by a practitioner or clinician licensed under Delaware Code Title 24 acting within their scope of practice.

Any person who wishes to make written suggestions, compilations of data, testimony, briefs, or other written materials concerning the proposed new regulations must submit same to, Planning and Policy Unit, Division of Medicaid and Medical Assistance, 1901 North DuPont Highway, P.O. Box 906, New Castle, Delaware 19720-0906, by email to DHSS_DMMA_Publiccomment@Delaware.gov, or by fax to 302-255-4413 by 4:30 p.m. on May 1, 2025. Please identify in the subject line: Doula Services

The action concerning the determination of whether to adopt the proposed regulation will be based upon the results of Department and Division staff analysis and the consideration of the comments and written materials filed by other interested persons.

SUMMARY OF PROPOSAL

The purpose of this notice is to advise the public that Delaware Health and Social Services (DHSS)/Division of Medicaid and Medical Assistance (DMMA) is proposing to amend Title XIX Medicaid State Plan regarding Doula Services.

Statutory Authority

- 42 CFR §440.130 (c), Diagnostic, screening, preventive, and rehabilitative services
- 42 CFR §440.170, Any other medical care or remedial care recognized under State law and specified by the Secretary
- 42 CFR §447, Payments for services

Background

Effective January 1, 2024, Delaware updated the State Plan to provide doula services for pregnant individuals during pregnancy, childbirth, and the postpartum period. Community based doulas are non-medical professionals who provide emotional, physical, and informational support and guidance in different aspects of reproductive health. Doulas do not provide medical care and do not replace medical providers. Rather, doulas provide additional non-medical support in places and at times where medical providers cannot or do not. Doulas typically come from the same community as the pregnant and postpartum individuals they serve. Service components include Perinatal support services, Labor support, Postpartum support services, and coordination with community-based services, to improve beneficiary outcomes.

Summary of Proposal

Purpose

The purpose of this proposed regulation is to provide additional postpartum visits with a recommendation by a practitioner or clinician licensed under Delaware Code Title 24 acting within their scope of practice.

Summary of Proposed Changes

Effective April 1, 2025, the DHSS/DMMA proposes to amend Title XIX Medicaid State Plan to clarify doula services.

Public Notice

In accordance with the *federal* public notice requirements established in Section 1902(a)(13)(A) of the Social Security Act and 42 CFR 440.386 and the *state* public notice requirements of Title 29, Chapter 101 of the **Delaware Code**, DHSS/DMMA gives public notice and provides an open comment period for 30 days to allow all stakeholders an opportunity to provide input on the proposed regulation. Comments must be received by 4:30 p.m. on May 1, 2025.

Centers for Medicare and Medicaid Services Review and Approval

The provisions of this state plan amendment (SPA) are subject to approval by the Centers for Medicare and Medicaid Services (CMS). The draft SPA page(s) may undergo further revisions before and after submittal to CMS based upon public comment and/or CMS feedback. The final version may be subject to significant change.

Provider Manuals and Communications Update

Also, there may be additional provider manuals that may require updates as a result of these changes. The applicable Delaware Medical Assistance Program (DMAP) Provider Policy Specific Manuals and/or Delaware Medical Assistance Portal will be updated. Manual updates, revised pages or additions to the provider manual are issued, as required, for new policy, policy clarification, and/or revisions to the DMAP program. Provider billing guidelines or instructions to incorporate any new requirement may also be issued. A newsletter system is utilized to distribute new or revised manual material and provide other pertinent information regarding DMAP updates. DMAP updates are available on the Delaware Medical Assistance Portal website: <https://medicaid.dhss.delaware.gov/provider>

Fiscal Impact

	Federal Fiscal Year 2025	Federal Fiscal Year 2026
General (State) funds	\$32,642	\$33,581
Federal funds	\$49,269	\$49,149

Attachment 3.1-A
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT STATE/TERRITORY: **DELAWARE**

LIMITATIONS ON AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL CARE AND SERVICES PROVIDED TO THE CATEGORICALLY NEEDY

13c. Preventive Services Continued

Doula Services

1. Doulas are non-medical professionals who provide emotional, physical, and informational support and guidance during key events related to the prenatal, birth, and postpartum periods. Doula services are recommended by a physician or OLP.

Delaware Medicaid doula benefit is coverage for doula support in the perinatal period, including prenatal support, labor and delivery support, and postpartum support. Visits are ninety (90) minutes (home or virtual). The scope of the Medicaid doula benefit is to provide doula support to Medicaid members that include:

- Maximum of three (3) prenatal visits and minimum of one (1) prenatal visit
- Maximum of three (3) postpartum visits (must be completed within 90 days of delivery date) without licensed provider recommendation form
- An addition of five (5) postpartum visits (must be completed within 180 days of delivery date) for now, a **maximum of eight (8) total postpartum visits with the Additional Postpartum Doula Visit Form signed by a licensed provider**
- Labor/birth attendance
- Maximum of three (3) postpartum visits may be provided following the loss of a pregnancy; however, one (1) prenatal doula visit must have been conducted to qualify for postpartum doula visits

New Doulas

EDUCATION/TRAINING

A minimum of 16 total hours of birth and labor doula education which includes: Lactation support, childbirth education, nonmedical comfort measures, prenatal support, labor support techniques, and postpartum support. Documentation of current CPR certification; certificate(s) must include competencies for adults and infants.

Documentation of HIPAA training: 1 hour

EXPERIENCE

Documentation of a total of three (3) births, of which one (1) the applicant is the primary doula providing labor support to the client within last three (3) years.

Experienced Doulas - Legacy Period

EDUCATION/TRAINING

Documentation of current CPR certification; certificate(s) must include competencies for adults and infants.

Documentation of HIPAA training: 1 hour

*There is no time limit on when the education/training was received. All education/training must be documented.
EXPERIENCE

A minimum of 15 clients, nine (9) births attended within the last three (3) years.

*Acceptable documentation of experience includes copies of client contractor client evaluations. All documentation must include the date of services.

CLIENT AND PROFESSIONAL RECOMMENDATIONS

Total of two (2) evaluations from any of the following: a physician, licensed behavioral health provider, nurse practitioner, nurse midwife, licensed midwife, enrolled doula, or community-based organization.

STATEMENT OF LIVED EXPERIENCE

Submission of an essay on lived experience. Statement must be at least 250 words.

TN No. SPA #~~24-0004~~ 25-0002

Approval Date: ~~06/18/2024~~

Supersedes

TN No. SPA # ~~NEW 24-0001~~

Effective Date: ~~January 1, 2024~~ April 1, 2025

Attachment 4.19-B
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE/TERRITORY: DELAWARE

METHODS AND STANDARDS FOR ESTABLISHING PAYMENT RATES- OTHER TYPES OF CARE

Reimbursement for Preventive Services: Doula Services

The Doula reimbursement timeframe can run from the date of confirmed conception through 180 days (six months) after delivery, contingent on the member maintaining Medicaid eligibility.

Delaware Medicaid will reimburse members for up to three (3) prenatal service visits (minimum of 1), up to three (3) postpartum service visits (must be completed within 90 days of delivery date) without licensed provider recommendation form, up to eight (8) postpartum visits (must be completed within 180 days of delivery date) with an Additional Postpartum Doula Visit Form signed by a licensed provider, and attendance at the birth event. Also maximum of three (3) postpartum visits may be provided following the loss of pregnancy; however, one (1) prenatal doula visit must have been conducted to qualify for postpartum doula visits.

Each perinatal service visit may be billed for and reimbursed separately. All visits are reimbursed in fifteen (15) minute increments. Each visit has a maximum unit capacity of six (6) units.

Reimbursement for attendance during delivery is set at a flat rate determined by the State. Doulas services can be billed following each service. Following the completion of the third postpartum visit, there will be an incentive payment made to the Doula if the Doula has performed all three (3) prenatal visits, attended the birth event, and performed all three (3) postpartum visits for the same member. Multiple births (i.e., twins, triplets) are not eligible for additional reimbursement.

The applicable fee schedules with effective date of January 1, 2024 can be found on the state website at <http://www.dmap.state.de.us/downloads.html>.

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Supersedes

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28 DE Reg. 716 (04/01/25) (Prop.)