



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4824

Introduced 2/7/2024, by Rep. Kevin John Olickal

SYNOPSIS AS INTRODUCED:

210 ILCS 170/40
215 ILCS 5/356z.71 new
305 ILCS 5/5-16.8
305 ILCS 5/5-18.3 new
305 ILCS 5/5-18.5

Amends the Birth Center Licensing Act. Provides that all reimbursement rates set by the Department of Healthcare and Family Services for services provided at a birth center shall be equal to the reimbursement rates set by the Department for the same services provided at a hospital. Amends the Insurance Code. Provides that a group or individual policy of accident and health insurance or a managed care plan that is amended, delivered, issued, or renewed on or after January 1, 2025 shall provide coverage for all services provided at a licensed birth center by a certified nurse midwife or a licensed certified professional midwife, including, but not limited to, prenatal care, labor and delivery care, care after birth, gynecological exams, and newborn care. Amends the Medical Assistance Article of the Illinois Public Aid Code. Provides that notwithstanding any other provision of the Code, all services provided at a birth center by a certified nurse midwife or a licensed certified professional midwife, including, but not limited to, prenatal care, labor and delivery care, care after birth, gynecological exams, and newborn care shall be covered under the medical assistance program for persons who are otherwise eligible for medical assistance. Provides that all reimbursement rates set by the Department for services provided at a birth center shall be equal to the reimbursement rates set by the Department for the same services provided at a hospital. Requires the Department to seek a State Plan amendment or any federal waivers or approvals necessary to implement the provisions of the amendatory Act. Removes a provision providing that licensed certified professional midwife services shall be covered under the medical assistance program, subject to appropriation, and that the Department shall consult with midwives on reimbursement rates for midwifery services. Effective January 1, 2025.

LRB103 37229 KTG 67348 b

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Birth Center Licensing Act is amended by
5 changing Section 40 as follows:

6 (210 ILCS 170/40)

7 Sec. 40. Reimbursement requirements.

8 (a) A birth center shall seek certification under Titles
9 XVIII and XIX of the federal Social Security Act.

10 (b) Reimbursement rates set by the Department of
11 Healthcare and Family Services should be based on all types of
12 medically necessary covered services provided to both the
13 birthing person and the baby, including:

14 (1) a professional fee for both the birthing person
15 and baby;

16 (2) a facility fee for the birthing person that is
17 equal to ~~no less than 75% of~~ the statewide average
18 facility payment rate made to a hospital for an
19 uncomplicated vaginal birth;

20 (3) a facility fee for the baby that is equal to ~~no~~
21 ~~less than 75% of~~ the statewide average facility payment
22 rate made to a hospital for a normal baby; and

23 (4) additional fees for other services, medications,

1 laboratory tests, and supplies provided.

2 Notwithstanding any other law to the contrary, all
3 reimbursement rates set by the Department of Healthcare and
4 Family Services for services provided at a birth center shall
5 be equal to the reimbursement rates set by the Department of
6 Healthcare and Family Services for the same services provided
7 at a hospital licensed under the Hospital Licensing Act.

8 (c) A birth center shall provide charitable care
9 consistent with that provided by comparable health care
10 providers in the geographic area.

11 (d) A birth center may not discriminate against any
12 patient requiring treatment because of the source of payment
13 for services, including Medicare and Medicaid recipients.

14 (Source: P.A. 102-518, eff. 8-20-21.)

15 Section 10. The Illinois Insurance Code is amended by
16 adding Section 356z.71 as follows:

17 (215 ILCS 5/356z.71 new)

18 Sec. 356z.71. Coverage for birth center and midwife
19 services. A group or individual policy of accident and health
20 insurance or a managed care plan that is amended, delivered,
21 issued, or renewed on or after January 1, 2025 shall provide
22 coverage for all services provided at a birth center by a
23 certified nurse midwife or a licensed certified professional
24 midwife, including, but not limited to, prenatal care, labor

1 and delivery care, care after birth, gynecological exams, and
2 newborn care. As use in this Section:

3 "Birth center" means a facility licensed under the
4 Birth Center Licensing Act.

5 "Certified nurse midwife" means an individual who is
6 licensed under the Nurse Practice Act as an advanced
7 practice registered nurse and is certified as a nurse
8 midwife.

9 "Licensed certified professional midwife" means a
10 person who has successfully met the requirements under
11 Section 45 of the Licensed Certified Professional Midwife
12 Practice Act and holds an active license to practice as a
13 licensed certified professional midwife in Illinois.

14 Section 15. The Illinois Public Aid Code is amended by
15 changing Sections 5-16.8, 5-18.3, and 5-18.5 as follows:

16 (305 ILCS 5/5-16.8)

17 Sec. 5-16.8. Required health benefits. The medical
18 assistance program shall (i) provide the post-mastectomy care
19 benefits required to be covered by a policy of accident and
20 health insurance under Section 356t and the coverage required
21 under Sections 356g.5, 356q, 356u, 356w, 356x, 356z.6,
22 356z.26, 356z.29, 356z.32, 356z.33, 356z.34, 356z.35, 356z.46,
23 356z.47, 356z.51, 356z.53, 356z.56, 356z.59, 356z.60, ~~and~~
24 356z.61, 356z.64, 356z.67, and 356z.71 of the Illinois

1 Insurance Code, (ii) be subject to the provisions of Sections
2 356z.19, 356z.44, 356z.49, 364.01, 370c, and 370c.1 of the
3 Illinois Insurance Code, and (iii) be subject to the
4 provisions of subsection (d-5) of Section 10 of the Network
5 Adequacy and Transparency Act.

6 The Department, by rule, shall adopt a model similar to
7 the requirements of Section 356z.39 of the Illinois Insurance
8 Code.

9 On and after July 1, 2012, the Department shall reduce any
10 rate of reimbursement for services or other payments or alter
11 any methodologies authorized by this Code to reduce any rate
12 of reimbursement for services or other payments in accordance
13 with Section 5-5e.

14 To ensure full access to the benefits set forth in this
15 Section, on and after January 1, 2016, the Department shall
16 ensure that provider and hospital reimbursement for
17 post-mastectomy care benefits required under this Section are
18 no lower than the Medicare reimbursement rate.

19 (Source: P.A. 102-30, eff. 1-1-22; 102-144, eff. 1-1-22;
20 102-203, eff. 1-1-22; 102-306, eff. 1-1-22; 102-530, eff.
21 1-1-22; 102-642, eff. 1-1-22; 102-804, eff. 1-1-23; 102-813,
22 eff. 5-13-22; 102-816, eff. 1-1-23; 102-1093, eff. 1-1-23;
23 102-1117, eff. 1-13-23; 103-84, eff. 1-1-24; 103-91, eff.
24 1-1-24; 103-420, eff. 1-1-24; revised 12-15-23.)

25 (305 ILCS 5/5-18.3 new)

1 Sec. 5-18.3. Birth center and midwife services.
2 Notwithstanding any other provision of this Code, all services
3 provided at a birth center by a certified nurse midwife or a
4 licensed certified professional midwife, including, but not
5 limited to, prenatal care, labor and delivery care, care after
6 birth, gynecological exams, and newborn care shall be covered
7 under the medical assistance program for persons who are
8 otherwise eligible for medical assistance under this Article.
9 All reimbursement rates set by the Department for services
10 provided at a birth center shall be equal to the reimbursement
11 rates set by the Department for the same services provided at a
12 hospital licensed under the Hospital Licensing Act. The
13 Department shall seek a State Plan amendment or any federal
14 waivers or approvals necessary to implement this Section.
15 Implementation of the coverage and reimbursement rates under
16 this Section shall be contingent on federal approval. As used
17 in this Section:

18 "Birth center" means a facility licensed under the
19 Birth Center Licensing Act.

20 "Certified nurse midwife" means an individual who is
21 licensed under the Nurse Practice Act as an advanced
22 practice registered nurse and is certified as a nurse
23 midwife.

24 "Licensed certified professional midwife" means a
25 person who has successfully met the requirements under
26 Section 45 of the Licensed Certified Professional Midwife

1 Practice Act and holds an active license to practice as a
2 licensed certified professional midwife in Illinois.

3 (305 ILCS 5/5-18.5)

4 Sec. 5-18.5. Perinatal doula and evidence-based home
5 visiting services.

6 (a) As used in this Section:

7 "Home visiting" means a voluntary, evidence-based strategy
8 used to support pregnant people, infants, and young children
9 and their caregivers to promote infant, child, and maternal
10 health, to foster educational development and school
11 readiness, and to help prevent child abuse and neglect. Home
12 visitors are trained professionals whose visits and activities
13 focus on promoting strong parent-child attachment to foster
14 healthy child development.

15 "Perinatal doula" means a trained provider who provides
16 regular, voluntary physical, emotional, and educational
17 support, but not medical or midwife care, to pregnant and
18 birthing persons before, during, and after childbirth,
19 otherwise known as the perinatal period.

20 "Perinatal doula training" means any doula training that
21 focuses on providing support throughout the prenatal, labor
22 and delivery, or postpartum period, and reflects the type of
23 doula care that the doula seeks to provide.

24 (b) Notwithstanding any other provision of this Article,
25 perinatal doula services and evidence-based home visiting

1 services shall be covered under the medical assistance
2 program, subject to appropriation, for persons who are
3 otherwise eligible for medical assistance under this Article.
4 Perinatal doula services include regular visits beginning in
5 the prenatal period and continuing into the postnatal period,
6 inclusive of continuous support during labor and delivery,
7 that support healthy pregnancies and positive birth outcomes.
8 Perinatal doula services may be embedded in an existing
9 program, such as evidence-based home visiting. Perinatal doula
10 services provided during the prenatal period may be provided
11 weekly, services provided during the labor and delivery period
12 may be provided for the entire duration of labor and the time
13 immediately following birth, and services provided during the
14 postpartum period may be provided up to 12 months postpartum.

15 (b-5) (Blank). ~~Notwithstanding any other provision of this~~
16 ~~Article, beginning January 1, 2023, licensed certified~~
17 ~~professional midwife services shall be covered under the~~
18 ~~medical assistance program, subject to appropriation, for~~
19 ~~persons who are otherwise eligible for medical assistance~~
20 ~~under this Article. The Department shall consult with midwives~~
21 ~~on reimbursement rates for midwifery services.~~

22 (c) The Department of Healthcare and Family Services shall
23 adopt rules to administer this Section. In this rulemaking,
24 the Department shall consider the expertise of and consult
25 with doula program experts, doula training providers,
26 practicing doulas, and home visiting experts, along with State

1 agencies implementing perinatal doula services and relevant
2 bodies under the Illinois Early Learning Council. This body of
3 experts shall inform the Department on the credentials
4 necessary for perinatal doula and home visiting services to be
5 eligible for Medicaid reimbursement and the rate of
6 reimbursement for home visiting and perinatal doula services
7 in the prenatal, labor and delivery, and postpartum periods.
8 Every 2 years, the Department shall assess the rates of
9 reimbursement for perinatal doula and home visiting services
10 and adjust rates accordingly.

11 (d) The Department shall seek such State plan amendments
12 or waivers as may be necessary to implement this Section and
13 shall secure federal financial participation for expenditures
14 made by the Department in accordance with this Section.

15 (Source: P.A. 102-4, eff. 4-27-21; 102-1037, eff. 6-2-22.)

16 Section 99. Effective date. This Act takes effect January
17 1, 2025.