

111TH CONGRESS
1ST SESSION

H. R. 2358

To amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2009

Mrs. DAVIS of California (for herself, Mr. BILIRAKIS, Mrs. CAPPES, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend title XIX of the Social Security Act to require coverage under the Medicaid Program for freestanding birth center services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Birth Center
5 Reimbursement Act”.

6 **SEC. 2. COVERAGE UNDER MEDICAID FOR FREESTANDING**
7 **BIRTH CENTER SERVICES.**

8 (a) IN GENERAL.—Section 1905 of the Social Secu-
9 rity Act (42 U.S.C. 1396d) is amended—

1 (1) in subsection (a)—

2 (A) by redesignating paragraph (28) as
3 paragraph (29);

4 (B) in paragraph (27), by striking at the
5 end “and”; and

6 (C) by inserting after paragraph (27) the
7 following new paragraph:

8 “(28) freestanding birth center services (as de-
9 fined in subsection (l)(3)(A)) and other ambulatory
10 services that are offered by a freestanding birth cen-
11 ter (as defined in subsection (l)(3)(B)) and that are
12 otherwise included in the plan; and”;

13 (2) in subsection (l), by adding at the end the
14 following new paragraph:

15 “(3)(A) The term ‘freestanding birth center services’
16 means services furnished to an individual at a freestanding
17 birth center (as defined in subparagraph (B)), including
18 by a licensed birth attendant (as defined in subparagraph
19 (C)) at such center.

20 “(B) The term ‘freestanding birth center’ means a
21 health facility—

22 “(i) that is not a hospital; and

23 “(ii) where childbirth is planned to occur away
24 from the pregnant woman’s residence.

1 “(C) The term ‘licensed birth attendant’ means an
 2 individual who is licensed or registered by the State in-
 3 volved to provide health care at childbirth and who pro-
 4 vides such care within the scope of practice under which
 5 the individual is legally authorized to perform such care
 6 under State law (or the State regulatory mechanism pro-
 7 vided by State law), regardless of whether the individual
 8 is under the supervision of, or associated with, a physician
 9 or other health care provider. Nothing in this subpara-
 10 graph shall be construed as changing State law require-
 11 ments applicable to a licensed birth attendant.”.

12 (b) CONFORMING AMENDMENT.—Section
 13 1902(a)(10)(A) of the Social Security Act (42 U.S.C.
 14 1396a(a)(10)(A)) is amended by striking “and (21)” and
 15 inserting “, (21), and (28)”.

16 (c) EFFECTIVE DATE.—

17 (1) IN GENERAL.—Except as provided in para-
 18 graph (2), the amendments made by this section
 19 shall take effect 90 days after the date of the enact-
 20 ment of this Act and shall apply to services fur-
 21 nished on or after such date.

22 (2) EXCEPTION IF STATE LEGISLATION RE-
 23 QUIRED.—In the case of a State plan for medical as-
 24 sistance under title XIX of the Social Security Act
 25 which the Secretary of Health and Human Services

1 determines requires State legislation (other than leg-
2 islation appropriating funds) in order for the plan to
3 meet the additional requirement imposed by the
4 amendments made by this section, the State plan
5 shall not be regarded as failing to comply with the
6 requirements of such title solely on the basis of its
7 failure to meet this additional requirement before
8 the first day of the first calendar quarter beginning
9 after the close of the first regular session of the
10 State legislature that begins after the date of the en-
11 actment of this Act. For purposes of the previous
12 sentence, in the case of a State that has a 2-year
13 legislative session, each year of such session shall be
14 deemed to be a separate regular session of the State
15 legislature.

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