

110TH CONGRESS  
1ST SESSION

# H. R. 864

To amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife services.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 2007

Mr. TOWNS (for himself and Mr. UPTON) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to provide for reimbursement of certified midwife services and to provide for more equitable reimbursement rates for certified nurse-midwife 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 “Midwifery Care Access  
5 and Reimbursement Equity Act of 2007”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The Medicare program reimburses certified  
2 nurse-midwives for primary care services, as author-  
3 ized by State law.

4           (2) Since 1988, Congress has authorized reim-  
5 bursement under the Medicare program to certified  
6 nurse-midwives for the provision of maternity-related  
7 services to Medicare-eligible women with disabilities  
8 who are of childbearing age.

9           (3) Since 1993, Congress authorized reimburse-  
10 ments under the Medicare program to certified  
11 nurse-midwives to also provide additional services  
12 outside the maternity cycle.

13           (4) In its June 2002 report to Congress, the  
14 Medicare Payment Advisory Commission (MedPAC)  
15 unanimously recommended that the percentage of  
16 part B reimbursement for certified nurse-midwife  
17 services to be increased by Congress. MedPAC also  
18 highlighted the high quality of care provided by cer-  
19 tified nurse-midwives.

20           (5) Certified nurse-midwives and certified mid-  
21 wives are highly educated health professionals. To  
22 practice in the United States as either a certified  
23 nurse-midwife or a certified midwife, an individual  
24 must complete a post-baccalaureate educational pro-

1       gram and State licensure as well as pass a national  
2       certification examination.

3               (6) While most State Medicaid programs reim-  
4       burse certified nurse midwives and other obstetrical  
5       and gynecological providers at the same payment  
6       rate, the Medicare program reimburses such mid-  
7       wives at a payment rate that is 35 percent lower  
8       than such other providers.

9               (7) This disparity is a barrier to women's ac-  
10      cess to obstetrical and gynecological providers of  
11      their choice within the Medicare program.

12              (8) Health disparities in the United States con-  
13      tinue to be a critical problem. Midwives have histori-  
14      cally cared for those populations most at risk for  
15      health disparities in areas of high infant mortality,  
16      preterm birth, low birth weight, sudden infant death  
17      syndrome, maternal mortality, breast and cervical  
18      cancer, and HIV/AIDS infection among women.

19              (9) Providing more equitable reimbursement for  
20      the high quality primary care services of certified  
21      nurse-midwives and certified midwives will aid in en-  
22      suring their services are available to women in need.

1 **SEC. 3. MEDICARE PAYMENT FOR CERTIFIED NURSE-MID-**  
2 **WIFE AND MIDWIFE SERVICES.**

3 (a) CERTIFIED MIDWIFE, CERTIFIED MIDWIFE  
4 SERVICES DEFINED.—(1) Section 1861(gg) of the Social  
5 Security Act (42 U.S.C. 1395x(gg)) is amended by adding  
6 at the end the following new paragraphs:

7 “(3) The term ‘certified midwife services’ means such  
8 services furnished by a certified midwife (as defined in  
9 paragraph (4)) and such services and supplies furnished  
10 as an incident to the certified midwife’s service which the  
11 certified midwife is legally authorized to perform under  
12 State law (or the State regulatory mechanism provided by  
13 State law) as would otherwise be payable under this title  
14 if furnished by a physician or as an incident to a physi-  
15 cian’s service.

16 “(4) The term ‘certified midwife’ means an individual  
17 who has successfully completed a bachelor’s degree from  
18 an accredited educational institution and a program of  
19 study and clinical experience meeting guidelines prescribed  
20 by the Secretary, or has been certified by an organization  
21 recognized by the Secretary.”.

22 (2) The heading in section 1861(gg) of the Social Se-  
23 curity Act (42 U.S.C. 1395x(gg)) is amended to read as  
24 follows:

25 “(gg) CERTIFIED NURSE-MIDWIFE SERVICES; CER-  
26 TIFIED MIDWIFE SERVICES.—”.

1 (b) CERTIFIED MIDWIFE SERVICE BENEFIT.—

2 (1) MEDICAL AND OTHER SERVICES.—Section  
3 1861(s)(2)(L) of the Social Security Act (42 U.S.C.  
4 1395x(s)(2)(L)) is amended by inserting “and cer-  
5 tified midwife services” before the semicolon.

6 (2) PERMITTING HOSPITALS TO PROVIDE FOR  
7 PATIENTS RECEIVING CERTIFIED NURSE-MIDWIFE  
8 SERVICES OR CERTIFIED MIDWIFE SERVICES TO BE  
9 UNDER THE CARE OF A CERTIFIED NURSE-MIDWIFE  
10 OR CERTIFIED MIDWIFE.—Section 1861(e)(4) of the  
11 Social Security Act (42 U.S.C. 1395x(e)(4)) is  
12 amended—

13 (A) by inserting “(i)” after “except that”;  
14 and

15 (B) by inserting before the semicolon the  
16 following: “and (ii) a patient receiving certified  
17 nurse-midwife services or certified midwife serv-  
18 ices (as defined in paragraphs (1) and (3), re-  
19 spectively, of subsection (gg)) may be under the  
20 care of a certified nurse-midwife or certified  
21 midwife with respect to such services to the ex-  
22 tent permitted under State law”.

23 (3) BENEFIT UNDER PART B.—Section  
24 1832(a)(2)(B)(iii) of the Social Security Act (42  
25 U.S.C. 1395k(a)(2)(B)(iii)) is amended—

1 (A) by inserting “(I)” after “(iii)”; and

2 (B) by inserting “certified midwife serv-  
3 ices,” after “certified nurse-midwife services,”.

4 (4) AMOUNT OF PAYMENT.—Section  
5 1833(a)(1)(K) of the Social Security Act (42 U.S.C.  
6 1395l(a)(1)(K)) is amended—

7 (A) by inserting “and certified midwife  
8 services” after “certified nurse-midwife serv-  
9 ices”, and

10 (B) by striking “65 percent” and inserting  
11 “100 percent” each place it appears.

12 **SEC. 4. INTERIM, FINAL REGULATIONS.**

13 In order to carry out the amendments made by this  
14 Act in a timely manner, not later than 6 months after  
15 the date of the enactment of this Act, the Secretary of  
16 Health and Human Services shall promulgate regulations,  
17 that take effect on an interim basis, after notice and pend-  
18 ing opportunity for public comment.

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