S. 507

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.

IN THE SENATE OF THE UNITED STATES

February 6, 2007

Mr. Conrad (for himself, Ms. Collins, Ms. Cantwell, and Mr. Durbin) introduced the following bill; which was read twice and referred to the Committee on Finance

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.
 - (2) Since 1988, Congress has authorized reimbursement under the Medicare program to certified nurse-midwives for the provision of maternity-related services to Medicare-eligible women with disabilities who are of childbearing age.
 - (3) Since 1993, Congress authorized reimbursements under the Medicare program to certified nurse-midwives to also provide additional services outside the maternity cycle.
 - (4) In its June 2002 report to Congress, the Medicare Payment Advisory Commission (MedPAC) unanimously recommended that the percentage of part B reimbursement for certified nurse-midwife services to be increased by Congress. MedPAC also highlighted the high quality of care provided by certified nurse-midwives.
 - (5) Certified nurse-midwives and certified midwives are highly educated health professionals. To practice in the United States as either a certified nurse-midwife or a certified midwife, an individual must complete a post-baccalaureate educational pro-

- gram and State licensure as well as pass a national certification examination.
 - (6) While most State Medicaid programs reimburse certified nurse-midwives and other obstetrical and gynecological providers at the same payment rate, the Medicare program reimburses such midwives at a payment rate that is 35 percent lower than such other providers.
 - (7) This disparity is a barrier to women's access to obstetrical and gynecological providers of their choice within the Medicare program.
 - (8) Health disparities in the United States continue to be a critical problem. Midwives have historically cared for those populations most at risk for health disparities in areas of high infant mortality, preterm birth, low birth weight, sudden infant death syndrome, maternal mortality, breast and cervical cancer, and HIV/AIDS infection among women.
 - (9) Providing more equitable reimbursement for the high quality primary care services of certified nurse-midwives and certified midwives will aid in ensuring 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:

1	"Certified Nurse-Midwife Services; Certified Midwife
2	Services".
3	(b) CERTIFIED MIDWIFE SERVICE BENEFIT.—
4	(1) Medical and other services.—Section
5	1861(s)(2)(L) of the Social Security Act (42 U.S.C.
6	1395x(s)(2)(L)) is amended by inserting "and cer-
7	tified midwife services" before the semicolon.
8	(2) Permitting hospitals to provide for
9	PATIENTS RECEIVING CERTIFIED NURSE-MIDWIFE
10	SERVICES OR CERTIFIED MIDWIFE SERVICES TO BE
11	UNDER THE CARE OF A CERTIFIED NURSE-MIDWIFE
12	OR CERTIFIED MIDWIFE.—Section 1861(e)(4) of the
13	Social Security Act (42 U.S.C. 1395x(e)(4)) is
14	amended—
15	(A) by inserting "(i)" after "except that";
16	and
17	(B) by inserting before the semicolon the
18	following: "and (ii) a patient receiving certified
19	nurse-midwife services or certified midwife serv-
20	ices (as defined in paragraphs (1) and (3), re-
21	spectively, of subsection (gg)) may be under the
22	care of a certified nurse-midwife or certified
23	midwife with respect to such services to the ex-
24	tent permitted under State law".

1	(3) Benefit under Part B.—Section
2	1832(a)(2)(B)(iii) of the Social Security Act (42
3	U.S.C. 1395k(a)(2)(B)(iii)) is amended by inserting
4	"certified midwife services," after "certified nurse-
5	midwife services,".
6	(4) Amount of Payment.—Section
7	1833(a)(1)(K) of the Social Security Act (42 U.S.C.
8	1395l(a)(1)(K)) is amended—
9	(A) by inserting "and certified midwife
10	services" after "certified nurse-midwife serv-
11	ices"; and
12	(B) by striking "65 percent" and inserting
13	"100 percent" each place it appears.
14	SEC. 4. INTERIM, FINAL REGULATIONS.
15	In order to carry out the amendments made by this
16	Act in a timely manner, not later than 6 months after
17	the date of the enactment of this Act, the Secretary of
18	Health and Human Services shall promulgate regulations,
19	that take effect on an interim basis, after notice and pend-
20	ing opportunity for public comment.

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