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MASSACHUSETTS LEGISLATURE ENACTS COMPREHENSIVE MIDWIFERY AND MATERNAL HEALTH BILL

Bill expands access to midwifery care and out-of-hospital birth options

BOSTON, MA – Yesterday, the Massachusetts Legislature enacted a comprehensive midwifery and maternal health bill that creates a state licensure pathway for certified professional midwives and lactation consultants, encourages the creation of more freestanding birth centers, establishes a grant program to address maternal mental health and substance use disorder, and expands the statewide universal postpartum home visiting program. This legislation also mandates that insurers cover post-pregnancy mental health screenings and pediatric well visit appointments once per calendar year up to age six.

“I am so immensely proud that the midwives and maternal health bill is on Governor Healey’s desk,” said **Senator Becca Rausch (D-Needham), lead Senate sponsor of the midwives and pediatric appointment bills.** “In addition to joining the 38 other states that already license certified professional midwives, this single legislative package squarely addresses our maternal health crisis, honors patient choice in maternal care, improves patient outcomes, reduces inequities in maternal health care, lowers health care costs, enhances access to pediatric care, boosts post-pregnancy mental health care, and much more. With this reproductive justice bill, we significantly uplift people deciding for themselves whether, when, and how to parent. I cannot wait for our Governor to sign it into law.”

A central pillar of the legislative package is licensure for certified professional midwives, or CPMs, a bill Rausch has filed and championed in the Massachusetts Senate. The Senate previously passed the midwifery licensure bill by unanimous vote in 2020, in Rausch’s first term. The bill creates the Board of Registration in Midwifery within the Department of Public Health (DPH) to license and provide oversight of licensed CPMs, enhancing their professional self governance, practice autonomy, and authority to use important and life-saving medication. The bill also ensures equitable reimbursement of certified nurse-midwives by requiring that they receive payment rates equal to those for the same services performed by a physician under MassHealth.

In an effort to proactively address mental health needs, the legislation requires MassHealth and commercial insurance coverage for post-pregnancy depression screenings for all post-pregnancy patients, without regard to how a pregnancy may have ended. The legislation also requires screenings to be offered

at maternal and other adult care appointments, rather than exclusively at pediatric appointments, thereby reaching all post-pregnancy cases, including miscarriage. The inclusion of all post-pregnancy cases reflects a bill filed by Rausch earlier this term. Further, the DPH will develop and maintain a comprehensive digital resource center on post-pregnancy mental health conditions and services and conduct a pregnancy loss awareness program.

Two other priorities championed by Rausch are encompassed in the legislation: a provision to improve patient safety by requiring the administration of ultrasound services be supervised by a licensed healthcare professional who provides medical care for pregnant individuals; and a provision to improve access to pediatric care that ensures coverage for wellness visits for young children once per calendar year, rather than once every 12 months, so families can stay on schedule with their children's birthdays even if a doctor's appointment has to be postponed or rescheduled.

"Today the legislature took much needed action to strengthen access to physical and mental health care for pregnant people and new parents in Massachusetts," said **Senate President Karen E. Spilka (D-Ashland)**. "This is an important step to help ensure all expecting individuals regardless of background or economic status have access to the health services they need. I offer my sincere gratitude to Senator Friedman for her leadership of the committee, each conferee, and our partners in the House for their hard work on this legislation."

"Today we made important strides to reduce maternal health disparities by breaking down barriers to safe, adequate and equitable maternal health care," said **Senator Cindy F. Friedman (D-Arlington), Senate Chair of the Joint Committee on Health Care Financing and of the conference committee**. "This bill takes significant steps to expand coverage and protections for essential health services that are key to improving maternal and perinatal health outcomes, as well as increasing access to care for those whose needs and pain have often been ignored. While we still have work to do to cover and protect the full spectrum of pregnancy care, this legislation addresses some of the most pressing needs and improves the health care system statewide."

To encourage the creation of more freestanding birth centers, which operate independent from hospital systems, the bill requires DPH to promulgate updated regulations governing the licensure of freestanding birth centers to ensure safe, equitable, and accessible birth options.

"It is with immense gratitude that we get to revel in this moment of progress, celebrating the Senate's monumental commitment to improving the quality of life, maternal and mental health care for our most at-risk constituents. With the birth justice bill on its way to Governor Healey's desk, we are taking a crucial step forward in tackling the Black maternal health crisis by expanding prenatal, postpartum, mental health, midwifery, and doula care, while enabling the growth of free-standing birth centers across our Commonwealth," said **Senator Liz Miranda (D-Boston)**. "I extend my heartfelt thanks to the 28-member, Special Legislative Commission on Racial Inequities in Maternal Health for their vital recommendations, as well as the coalition of advocates who have committed unwavering support to seeing this bill through to the end. Together, we are advancing perinatal care and ensuring better health outcomes for individuals and families throughout our Commonwealth. I am proud to share this moment with you all and look forward to a brighter, more equitable future for all."

The legislation also requires that MassHealth cover noninvasive prenatal screenings to detect whether a pregnancy is at increased risk for chromosomal abnormalities for all pregnant patients regardless of age, baseline risk, or family history. The bill requires health insurers to provide coverage for medically necessary pasteurized donor human milk and products derived from it, serving as a critical source of nutrition for the growth and development of babies, particularly for vulnerable premature infants. To better support new mothers in their feeding journeys, the bill also authorizes the Board of Allied Health

Professionals to license lactation consultants to ensure their services are eligible for reimbursement through the patient's insurance.

The legislation passed yesterday provides critical support for birthing people and their families during the postpartum period, including requiring DPH to conduct a public awareness campaign about perinatal mood and anxiety disorders, and to develop and maintain a digital resource center that will be available to the public. It also requires that perinatal individuals be offered a screening for postpartum depression and major depressive disorder, and that those services be covered by health insurance plans. To better address barriers in access to care and reduce racial inequities in maternal health, the bill expands the universal postpartum home visiting program administered by DPH and provides coverage for the program's services.

“Massachusetts has some of the best health outcomes in the country, but we have a glaring and persistent disparity in maternal health outcomes, especially when it comes to the experience of Black mothers,” said **Senator Julian Cyr (D-Truro), who co-chairs the Joint Committee on Public Health**. “The maternal health bill passed by the Legislature will expand access to care for all mothers and ameliorate the maternal mortality and morbidity crisis here in Massachusetts. I am proud to stand behind so many brilliant women colleagues in advancing this vital legislation.”

Additionally, the bill requires DPH to develop and disseminate public information about pregnancy loss to the public and perinatal health care workers to prioritize the physical and mental health care of patients affected. It also requires DPH to establish a program to conduct fetal and infant mortality reviews (FIMR) to identify social, economic, and systems level factors associated with fetal and infant deaths and inform public health policy programs. The bill also includes a provision that will allow Massachusetts residents to use earned paid sick time in the event of a pregnancy loss.

The bill ensures that the Maternal Mortality and Morbidity Review Committee will have access to essential records required to conduct thorough and timely reviews of maternal deaths and pregnancy complications. This will enable the Committee to formulate comprehensive recommendations to improving maternal outcomes and prevent mortality. The bill also establishes a grant program under the Executive Office of Health and Human Services aimed at addressing maternal mental health. This program will support the establishment or expansion of initiatives serving perinatal individuals, particularly those in underserved populations, to improve mental health, behavioral health, and substance use disorder.

The bill establishes a nine-member task force to study the current availability of, and access to, maternal health services and care, as well as essential service closures of inpatient maternity units and acute-level birthing centers. The task force will identify methods of increasing financial investment in, and patient access to, maternal health care in the Commonwealth.

Having passed both chambers, the bill now sits before the Governor for her consideration.

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