

CS FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 91(HES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE

Offered: 3/22/93
Referred: L&C, FIN

Sponsor(s): SENATORS LEMAN, Ellis

A BILL

FOR AN ACT ENTITLED

1 "An Act prohibiting unfair discrimination against direct-entry midwives who
 2 perform services within the scope of their certification; providing for coverage of
 3 midwife services under Medicaid; reordering the priority of optional services
 4 provided by the state under Medicaid; and providing for an effective date."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * Section 1. AS 21.36.090(d) is amended to read:

7 (d) Except to the extent necessary to comply with AS 21.42.365, a person may
 8 not practice or permit unfair discrimination against a person who provides a service
 9 covered under a group disability policy that extends coverage on an expense incurred
 10 basis, or under a group service or indemnity type contract issued by a nonprofit
 11 corporation, if the service is within the scope of the provider's occupational license.
 12 In this subsection, "provider" means a state licensed physician, dentist, osteopath,
 13 optometrist, chiropractor, nurse midwife, advanced nurse practitioner, naturopath,
 14 physical therapist, occupational therapist, psychologist, psychological associate, [OR]

1 licensed clinical social worker, or certified direct-entry midwife.

2 • **Sec. 2.** AS 47.07.030(b) is amended to read:

3 (b) In addition to the mandatory services specified in (a) of this section, the
4 department may offer only the following optional services: case management and
5 nutrition services for pregnant women; personal care services in a recipient's home;
6 emergency hospital services; long-term care noninstitutional services; medical supplies
7 and equipment; advanced nurse practitioner services; clinic services; rehabilitative
8 services for substance abusers and emotionally disturbed or chronically mentally ill
9 adults; targeted case management services for substance abusers, chronically mentally
10 ill adults, and severely emotionally disturbed persons under the age of 21; inpatient
11 psychiatric facility services for individuals age 65 or older and individuals under age
12 21; psychologists' services; clinical social workers' services; midwife services;
13 prescribed drugs; physical therapy; occupational therapy; chiropractic services;
14 low-dose mammography screening, as defined in AS 21.42.375(e); treatment of speech,
15 hearing, and language disorders; adult dental services; prosthetic devices and
16 eyeglasses; optometrists' services; intermediate care facility services, including
17 intermediate care facility services for the mentally retarded; skilled nursing facility
18 services for individuals under age 21; and reasonable transportation to and from the
19 point of medical care.

20 • **Sec. 3.** AS 47.07.035 is amended to read:

21 **Sec. 47.07.035. PRIORITY OF MEDICAL ASSISTANCE.** If the department
22 finds that the cost of medical assistance for all persons eligible under this chapter will
23 exceed the amount allocated in the state budget for that assistance for the fiscal year,
24 the department shall eliminate coverage for optional medical services and optionally
25 eligible groups of individuals in the following order:

- 26 (1) midwife services;
27 (2) clinical social workers' services;
28 (3) [(2)] psychologists' services;
29 (4) [(3)] chiropractic services;
30 (5) [(4)] advanced nurse practitioner services;
31 (6) [(5)] adult dental services;

- 1 (7) [(6)] emergency hospital services;
- 2 (8) [(7)] treatment of speech, hearing, and language disorders;
- 3 (9) [(8)] optometrists' services and eyeglasses;
- 4 (10) [(9)] occupational therapy;
- 5 (11) [(10)] mammography screening;
- 6 (12) [(11)] prosthetic devices;
- 7 (13) [(12)] medical supplies and equipment;
- 8 (14) [(13)] targeted case management services;
- 9 (15) [(14)] rehabilitative services for substance abusers and emotionally
10 disturbed or chronically mentally ill adults;
- 11 (16) [(15)] clinic services;
- 12 (17) [(16)] physical therapy;
- 13 (18) [(17)] personal care services in a recipient's home;
- 14 (19) [(18)] prescribed drugs;
- 15 (20) [(19)] long-term care noninstitutional services;
- 16 (21) [(20)] inpatient psychiatric facility services;
- 17 (22) [(21)] intermediate care facility services for the mentally retarded;
- 18 (23) [(22)] intermediate care facility services;
- 19 (24) [(23)] individuals under age 21 who are not eligible for benefits
20 under the federal aid to families with dependent children program because they are not
21 deprived of one or more of their natural or adoptive parents;
- 22 (25) [(24)] skilled nursing facility services for persons under age 21;
- 23 (26) [(25)] aged, blind, and disabled individuals who, because they do
24 not meet the income requirements, do not receive supplemental security income under
25 Title XVI of the Social Security Act, but who are eligible, or would be eligible if they
26 were not in a skilled nursing facility or intermediate care facility, to receive an
27 optional state supplementary payment;
- 28 (27) [(26)] individuals in a hospital, skilled nursing facility, or
29 intermediate care facility whose income while in the facility does not exceed 300
30 percent of the supplemental security income benefit rate under Title XVI of the Social
31 Security Act, but who, because of income, are not eligible for the optional state

1 supplementary payment;
2 (28) ~~[(27)]~~ individuals under age 21 under supervision of the
3 department [,] for whom maintenance is being paid in whole or in part from public
4 money and who are in foster homes or private child-care institutions.

5 * Sec. 4. AS 47.07.900 is amended by adding a new paragraph to read:

6 (18) "midwife services" means services within the practice of
7 midwifery, as defined in AS 08.65.190, that are performed by a certified direct-entry
8 midwife and miscellaneous fees, other than facility fees, for birth kits, oxygen, and
9 other ancillary expenses necessary for a birth attended by a certified direct-entry
10 midwife.

11 * Sec. 5. This Act takes effect July 1, 1993.