

LEGAL UPDATES

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Review of Maternal Health Services 2023 Report Offers Options for Improvement Throughout Massachusetts

Massachusetts Governor Maura Healey ordered the Executive Office of Health and Human Services (EOHHS) and the Department of Public Health (DPH) to conduct a review of access to maternal health services in the Commonwealth and develop a plan to support or improve access and quality where needed. In response, on November 15, 2023, Robert Goldstein, MD, PhD, the Commissioner of DPH, issued a report entitled *Review of Maternal Health Services, 2023*. This report builds on the report issued by the Special Commission on Racial Inequities in Maternal Health in May 2022.

The DPH report notes that although Massachusetts is consistently recognized for good health status in national rankings, inequities in access to service remain throughout Massachusetts. DPH identified 25 action-oriented recommendations to improve maternal health throughout the state, with a focus on health equity and health outcomes. The recommendations focus on actions to improve maternal health across the Commonwealth, and support for the workforce necessary to facilitate these changes.

As 2024 gets underway, regulatory and other changes will be made begin to implement several of the 25 recommendations with the intent of impacting access and quality of maternal health throughout Massachusetts. Several of these recommendations are highlighted below:

Increasing maternal care access and expansion of care delivery models

DPH will update the hospital and clinic regulations on birth centers to better align with national standards set by the American Association of Birth Centers.

Levels of Maternal Care (LoMC) will be integrated into the perinatal section of DPH's hospital licensure regulation (105 CMR 130.600 *et. seq.*). Birth centers will be included as the first level in LoMC.

DPH, in conjunction with the Executive Office of Health and Human Services (EOHHS), will work to enhance remote blood pressure monitoring programs throughout Massachusetts and support health insurance coverage of remote monitoring services.

EOHHS will work to incentivize providers to offer Group Prenatal Care (GPC) by reimbursing the delivery model at a rate that is higher than traditional prenatal care.

DPH will work to ensure prenatal and postnatal care is provided at all Federally Qualified Health Centers (FQHCs) in Massachusetts.

EOHHS will work with providers, insurance carriers, and others to expand the reach of universal postpartum home visiting.

Improving access to data

Since 1997, the multidisciplinary Maternal Mortality and Morbidity Review Committee (MMMRC) has reviewed pregnancy-associated deaths to better understand the cause of these deaths, in turn developing informed strategies to reduce the incidence of preventable maternal death.

In 2023, a statute was enacted to allocate funding to the MMMRC to ensure timely review of pregnancy-related deaths. However, the language does not currently authorize the committee to access critical data necessary to conduct thorough case reviews.

DPH supports amending the Maternal Mortality and Morbidity Review Committee (MMMRC) statute, G.L. c. 111, § 240, to require any public and private agency or individual to provide any relevant information at the request of the chair of the MMMRC. This amendment would give the MMMRC access to data that would enable it to review incidents of maternal mortality and morbidity more thoroughly. This would in turn enable the MMMRC to make recommendations for changes to law, policy, and practice that could reduce the incidence of preventable maternal death.

DPH will pursue authority to conduct active, population-based surveillance for stillbirths and provide the data gathered to a Fetal and Infant Mortality Review (FIMR).

Improving and augmenting the workforce

The state faces critical workforce challenges. DPH has identified several avenues to address these challenges:

In combination with the doula community, DPH will work to develop a model doula certification and ultimately a statewide doula workforce.

Three recommendations will be explored to expand the Certified Nurse Midwives (CNMs) workforce and improve integration; these include:

MassHealth will investigate opportunities to reimburse midwives commensurate with physicians for the same service;

Birth center regulations will address concerns that physician supervision and staffing requirements currently limit the scope of practice for Certified Nurse Midwives; and

EOHHS and DPH will explore ways to develop paths to expand the settings in which CNMs can be part of the pregnancy and birthing care and coverage throughout Massachusetts.

The report also includes action items related to behavioral health, reproductive health, and an awareness campaign for the Paid Family and Medical Leave Act.

Contact us

Please contact Crystal Bloom, Rebecca Rodman, or your Husch Blackwell attorney with questions you may have as progress begins on the 25 action-oriented recommendations made in the *Review of the Maternal Health Services, 2023*.