

Readopt with amendment He-W 538.01, previously effective 6/25/2010 (Document #9737), as amended effective 7-1-12 (Document #10139), and expired 6/25/2018 in paragraphs (a), (c), (d), and (g), cited and to read as follows:

CHAPTER He-W 500 MEDICAL ASSISTANCE

PART He-W 538 CERTIFIED MIDWIFE SERVICES

He-W 538.01 Definitions.

(a) “Department” means the NH department of health and human services.

(b) “Medicaid” means the Title XIX and Title XXI programs administered by the department which makes medical assistance available to eligible individuals.

(c) “Midwifery” means the practice of providing the necessary supervision, care, and advice to women during pregnancy, labor, and the postpartum period, pursuant to RSA 326-D:2, V.

(d) “New Hampshire certified midwife (NHCM)” means a person who is certified to practice midwifery in accordance with RSA 326-D:6.

(e) “Recipient” means any individual who is eligible for and receiving medical assistance under the medicaid program.

(f) “Title XIX” means the joint federal-state program described in Title XIX of the Social Security Act and administered in New Hampshire by the department under the medicaid program.

(g) “Title XXI” means the joint federal-state program described in Title XXI of the Social Security Act and administered in New Hampshire by the department under the medicaid program.

Adopt He-W 538.02 – He-W 538.08, previously effective 6/25/2010 (Document #9737), and expired 6/25/2018, to read as follows

He-W 538.02 Recipient Eligibility. All recipients shall be eligible for NHCM services, in accordance with this part.

He-W 538.03 Provider Participation. All NHCM providers shall:

- (a) Be enrolled New Hampshire medicaid providers; and
- (b) Be certified to practice midwifery in New Hampshire pursuant to RSA 326-D:6.

He-W 538.04 Covered Services. Pursuant to RSA 326-D:2, V, covered NHCM services shall include:

- (a) Providing supervision and advice during the recipient's:
 - (1) Pregnancy;
 - (2) Labor; and
 - (3) Postpartum period;
- (b) Providing care during the recipient's:

(1) Pregnancy, including:

- a. Preventive care;
- b. The detection of abnormal conditions of the mother and fetus; and
- c. The execution of emergency measures in the absence of medical help;

(2) Labor, including:

- a. The conduction of vaginal deliveries on their own responsibility; and
- b. The execution of emergency measures in the absence of medical help; and

(3) Postpartum period, including:

- a. Preventive care for the mother and newborn;
- b. The detection of abnormal conditions of the mother and newborn; and
- c. The execution of emergency measures for the mother and newborn in the absence of medical help; and

(c) Administering medications in accordance with RSA 326-D:12.

He-W 538.05 Non-Covered Services. Non-covered services shall be those services which a NHCM is not legally recognized to perform, pursuant to RSA 326-D:1, V, including:

- (a) Operative obstetrics;
- (b) Cesarean sections;
- (c) General and conductive anesthesia;
- (d) Contraction stress tests;
- (e) Treatment to enhance fertility or procreation;
- (f) Any artificial, forcible, or mechanical means to assist the delivery; and
- (g) Induced abortions.

He-W 538.06 Utilization Review and Control.

(a) The department's provider integrity unit shall monitor utilization of NHCM services to identify, prevent, and correct potential occurrences of fraud, waste, and abuse in accordance with 42 CFR 455, 42 CFR 456, 42 CFR 1001, and He-W 520.

(b) Failure to maintain supporting records in accordance with He-W 520 and He-W 538 shall entitle the department to recoupment of state and federal medicaid payments pursuant to 42 CFR 455, 42 CFR 447, and 42 CFR 456.

He-W 538.07 Third Party Liability. All third party obligations shall be exhausted before medicaid shall be billed, in accordance with 42 CFR 433.139.

He-W 538.08 Payment for Services.

- (a) Payment for services to NHCM's shall be made in accordance with rates established by the department in accordance with RSA 161:4, VI(a).
- (b) The NHCM shall submit claims for payment to the department's fiscal agent.
- (c) The NHCM shall maintain supporting records, in accordance with He-W 520.
- (d) All electronic or written documentation shall be legible and written in English.
- (e) All NHCM's shall provide documentation to the department upon request.

APPENDIX

Rule Section	Statute Implemented
He-W 538.01	RSA 326-D:2; RSA 326-D:6
He-W 538.02	42 CFR 440.210, 42 CFR 440.220, 42 CFR 440.225
He-W 538.03	RSA 326-D:2, 42 CFR 440.165, 42 CFR 440.210, 42 CFR 440.220, 42 CFR 440.225
He-W 538.04	RSA 326-D:1 and RSA 326-D:12
He-W 538.05	RSA 326-D:1, V
He-W 538.06	42 CFR 455, 42 CFR 456, 42 CFR 447, 42 CFR 1001
He-W 538.07	42 CFR 433.139
He-W 538.08	42 CFR 447.15, RSA 161:4, VI(a)