

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

HOUSE BILL 1103

5 By: Representative J. Mayberry
6

For An Act To Be Entitled

8 AN ACT TO CREATE THE UNIVERSAL NEWBORN HOME NURSE
9 VISITATION PROGRAM TO PROVIDE HOME VISITATION
10 SERVICES FOR A NEWBORN INFANT AND THE PARENTS OF A
11 NEWBORN INFANT; AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO CREATE THE UNIVERSAL NEWBORN HOME
15 NURSE VISITATION PROGRAM TO PROVIDE HOME
16 VISITATION SERVICES FOR A NEWBORN INFANT
17 AND THE PARENTS OF A NEWBORN INFANT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 20, Chapter 8, is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 12 – Universal Newborn Home Nurse Visitation Program
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27 20-8-1201. Legislative findings and intent.

28 (a) The General Assembly finds that:

29 (1) The weeks following birth are a critical period for the
30 woman who has given birth and the infant, setting the stage for long-term
31 health and well-being;

32 (2) During this period, the woman who has given birth is
33 adapting to multiple physical, social, and psychological changes, while
34 simultaneously recovering from childbirth, adjusting to changing hormones,
35 and learning to feed and care for a newborn;

36 (3)(A) Like prenatal care, the postpartum healthcare visit that



1 typically occurs six (6) weeks after childbirth is considered important to a
2 new parent's health.

3 (B) However, for a woman who has given birth, the six-week
4 postpartum visit punctuates a period devoid of formal or informal support for
5 the woman;

6 (4) Additionally, according to the American College of
7 Obstetricians and Gynecologists, as many as forty percent (40%) of women who
8 have given birth in the United States do not attend a postpartum visit;

9 (5) During the time immediately following delivery, healthcare
10 providers are uniquely qualified to enable a woman who has given birth to
11 access the clinical and social resources the woman needs to successfully
12 navigate the transition from pregnancy to parenthood;

13 (6) Research also indicates that postpartum education and care
14 lead to lower rates of morbidity and mortality in women who have given birth,
15 as many of the risk factors for postpartum complications, such as
16 hemorrhaging or a pulmonary embolism, may not be identifiable before a woman
17 who has given birth at a hospital or birthing facility is discharged
18 following the birth; and

19 (7) Research demonstrates the wide-ranging benefits to women who
20 have given birth, children, and families when a woman who has given birth and
21 the newborn infant receive support from the medical community within days
22 after delivering the child.

23 (b) It is the intent of the General Assembly to remove barriers
24 regarding access to postpartum care and to establish the infrastructure for a
25 woman who has given birth in this state to receive one (1) cost-free home
26 nurse visit in which a registered nurse provides physical, social, and
27 emotional support critical to recovery following childbirth.

28
29 20-8-1202. Definitions.

30 As used in this subchapter:

31 (1) "Birthing facility" means an inpatient or ambulatory
32 healthcare facility licensed by the Department of Health that provides
33 birthing services or newborn care services, or both;

34 (2) "Evidence-based" means an approach to medicine, education,
35 and other disciplines that emphasizes the practical application of the
36 findings of the best available current research; and

1 (3)(A) "Health benefit plan" means:

2 (i) An individual, blanket, or group plan, policy,
 3 or contract for healthcare services issued or delivered by an insurer, health
 4 maintenance organization, hospital medical service corporation, or self-
 5 insured governmental or church plan in this state; and

6 (ii) Any health benefit program receiving state or
 7 federal appropriations from the State of Arkansas, including the Arkansas
 8 Medicaid Program and the Arkansas Health and Opportunity for Me Program, or
 9 any successor program.

10 (B) "Health benefit plan" includes:

11 (i) An indemnity and managed care plan; and

12 (ii) A nonfederal governmental plan as defined in 29
 13 U.S.C. § 1002(32), as it existed on January 1, 2019.

14 (C) "Health benefit plan" does not include:

15 (i) A disability income plan;

16 (ii) A credit insurance plan;

17 (iii) Insurance coverage issued as a supplement to
 18 liability insurance;

19 (iv) Medical payments under an automobile or
 20 homeowner's insurance plan;

21 (v) A health benefit plan provided under Arkansas
 22 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
 23 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

24 (vi) A plan that provides only indemnity for
 25 hospital confinement;

26 (vii) An accident-only plan;

27 (viii) A specified disease plan; or

28 (ix) A long-term-care-only plan.

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 30 20-8-1203. Universal Newborn Home Nurse Visitation Program.

31 (a) The Department of Health shall establish the "Universal Newborn
 32 Home Nurse Visitation Program" to provide statewide voluntary, evidence-based
 33 home visitation services for a newborn infant and the parents of the newborn
 34 infant.

35 (b) In establishing the Universal Newborn Home Nurse Visitation
 36 Program, the department shall:

1 (1) Develop a plan for the managed rollout of the Universal
2 Newborn Home Nurse Visitation Program throughout the state; and

3 (2)(A) Except as provided in subdivision (b)(2)(B) of this
4 section, establish criteria for the coverage of services provided under the
5 Universal Newborn Home Nurse Visitation Program by insurance carriers
6 offering a health benefit plan, in consultation with the State Insurance
7 Department.

8 (B) The Arkansas Medicaid Program may consider the
9 criteria for coverage of services established under subdivision (b)(2)(A) of
10 this section when establishing rules for the coverage of services provided
11 under the Universal Newborn Home Visitation Program.

12 (c) The Universal Newborn Home Nurse Visitation Program shall:

13 (1) Be voluntary and carry no negative consequences for parents
14 of a newborn infant who decline to participate in the Universal Newborn Home
15 Nurse Visitation Program when applying for other services available to
16 pregnant women or to all parents of newborn infants;

17 (2) Offer nurse visitation services in every county in the state
18 for all newborn infants and all parents of a newborn infant residing in the
19 county in which the Universal Newborn Home Nurse Visitation Program operates,
20 including adoptive parents and parents experiencing a stillbirth;

21 (3) Include at least one (1) home nurse visit in the
22 participating newborn infant's home within thirty (30) days after the birth
23 of the infant;

24 (4) Provide the opportunity for no more than two (2) additional
25 visits during the newborn infant's first three (3) months of life, with such
26 additional visits occurring based on the family's choice, as well as need and
27 availability as determined by the Universal Newborn Home Nurse Visitation
28 Program;

29 (5) Require that a home nurse visit be conducted by a nurse
30 licensed in this state;

31 (6) Improve state outcomes in areas including maternal health,
32 infant health and development, and parenting skills;

33 (7) Include an evidence-based evaluation of the physical,
34 emotional, and social factors affecting a parent and the parent's newborn
35 infant, including without limitation a health and wellness check of the
36 newborn and an assessment of the physical and mental health of a woman who

1 has given birth;

2 (8) Provide support services to the parent of a newborn infant,
3 including without limitation breastfeeding education and assistance to a
4 woman who has recently given birth in recognizing the symptoms of, and coping
5 with, perinatal mood disorder;

6 (9) Coordinate with each hospital, birthing hospital, and
7 birthing facility in the state to ensure that a woman who has given birth is
8 advised of the benefits of receiving a home nurse visit within thirty (30)
9 days after the birth of an infant, and to ensure that the Universal Newborn
10 Home Nurse Visitation Program attempts to schedule a home nurse visit prior
11 to the woman's discharge from the hospital or birthing facility;

12 (10) Develop a method for providing information about the
13 Universal Newborn Home Nurse Visitation Program to parents who elect to have
14 a home birth; and

15 (11) Provide information on, and referrals to, services that
16 address the specific needs of newborn infants and parents of a newborn
17 infant, including referring a woman who has given birth and the woman's
18 infant to a central intake agency for referrals to community resources,
19 support services, community-based organizations, or social service agency
20 programs available to women who have given birth and their infants, and
21 medically necessary follow-up healthcare.

22
23 20-8-1204. Administration and contracting.

24 The Department of Health may contract with one (1) or more third-party
25 vendors or service providers to assist in administering the Universal Newborn
26 Home Nurse Visitation Program established in § 20-8-1203, including hiring
27 and staffing nurses and providing training on the home visit model utilized
28 by the program.

29
30 20-8-1205. Resource guide.

31 (a) The Department of Health shall prepare a resource guide that
32 provides information on the Universal Newborn Home Nurse Visitation Program
33 established in § 20-8-1203 and the services available to pregnant women,
34 women who have recently given birth, and the parents of a newborn infant born
35 in this state.

36 (b) The resource guide shall be distributed at the time that the

1 parent of a newborn infant are informed of the program and of their right to
2 schedule a home nurse visit.

3
4 20-8-1206. Health benefit plan coverage of services under Universal
5 Newborn Home Nurse Visitation Program.

6 (a) A health benefit plan that is offered, issued, or renewed in this
7 state shall provide coverage for services provided under the Universal
8 Newborn Home Nurse Visitation Program established in § 20-8-1203.

9 (b) A health benefit plan shall:

10 (1) Notify a covered person of the services provided by the
11 program, upon application by the covered person for coverage of a newborn
12 infant;

13 (2) Ensure that the health benefit plan does not contain any
14 provision that requires a covered person to receive the services provided by
15 the program as a condition of coverage, or that denies or limits benefits to
16 the covered person if that person declines the services provided under the
17 program; and

18 (3) Have the discretion to determine reimbursement to healthcare
19 providers for expenses incurred for services provided under the program,
20 including without limitation utilizing:

21 (A) A value-based payment methodology;

22 (B) An invoice claim process;

23 (C) A capitated payment arrangement;

24 (D) A payment methodology that takes into account the need
25 for an agency or organization providing services under the program to expand
26 its capacity to provide services and address health disparities; or

27 (E) Any other payment arrangement agreed to by the health
28 benefit plan and an agency or organization providing services under the
29 program.

30 (c) A copayment, coinsurance, deductible, or any other cost-sharing
31 shall be waived for services under the program.

32 (d)(1) A health benefit plan shall submit to the State Insurance
33 Department a report on the claims submitted for services provided under the
34 program, in a form and manner prescribed by the State Insurance Department.

35 (2) The information contained in the report described in
36 subdivision (d)(1) of this section shall be shared with the Department of

1 Health and used to assess the program.

2
3 20-8-1207. Arkansas Medicaid Program coverage of services under
4 Universal Newborn Home Nurse Visitation Program.

5 (a)(1) The Arkansas Medicaid Program shall provide coverage for
6 services provided under the Universal Newborn Home Nurse Visitation Program
7 established in § 20-8-1203.

8 (2) If a beneficiary is eligible for another home visitation
9 service through the Arkansas Medicaid Program, the Arkansas Medicaid Program
10 shall not be required to provide duplicative services through the Universal
11 Newborn Home Visitation Program.

12 (b) The Arkansas Medicaid Program shall:

13 (1) Notify a covered person of the services provided by the
14 Universal Newborn Home Nurse Visitation Program, upon application by the
15 covered person for coverage of a newborn infant;

16 (2) Ensure that the Arkansas Medicaid Program does not contain
17 any provision that requires a covered person to receive the services provided
18 by the Universal Newborn Home Nurse Visitation Program as a condition of
19 coverage, or that denies or limits benefits to the covered person if that
20 person declines the services provided under the Universal Newborn Home Nurse
21 Visitation Program; and

22 (3) Have the discretion to determine how best to reimburse
23 healthcare providers for expenses incurred for services provided under the
24 Universal Newborn Home Nurse Visitation Program, including without limitation
25 utilizing:

26 (A) A value-based payment methodology;

27 (B) An invoice claim process;

28 (C) A capitated payment arrangement;

29 (D) A payment methodology that takes into account the need
30 for an agency or organization providing services under the Universal Newborn
31 Home Nurse Visitation Program to expand its capacity to provide services and
32 address health disparities; or

33 (E) Any other payment arrangement agreed to by the health
34 benefit plan and an agency or organization providing services under the
35 Universal Newborn Home Nurse Visitation Program.

36 (c) A copayment, coinsurance, deductible, or any other cost-sharing

1 shall be waived for services under the Universal Newborn Home Nurse
2 Visitation Program.

3 (d)(1) The Arkansas Medicaid Program shall submit to the State
4 Insurance Department a report on the claims submitted for services provided
5 under the Universal Newborn Home Nurse Visitation Program, in a form and
6 manner prescribed by the State Insurance Department.

7 (2) The information contained in the report described in
8 subdivision (d)(1) of this section shall be shared with the Department of
9 Health and used to assess the Universal Newborn Home Nurse Visitation
10 Program.

11 (3) The form and manner prescribed by the State Insurance
12 Department under subdivision (d)(1) of this section may include a report made
13 by the Arkansas Medicaid Program to the Arkansas Healthcare Transparency
14 Initiative.

15 (e) The Department of Human Services shall apply for any federal
16 waiver, Medicaid state plan amendment, or other authorization necessary to
17 implement this section.

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19 20-8-1208. Assessment of Universal Newborn Home Nurse Visitation
20 Program.

21 (a)(1) The Department of Health shall collect and analyze data about
22 the Universal Newborn Home Nurse Visitation Program established in § 20-8-
23 1203.

24 (2) The data shall be used to evaluate, assess, measure, and
25 improve the effectiveness of the Universal Newborn Home Nurse Visitation
26 Program in achieving its purpose of supporting healthy child development and
27 strengthening families.

28 (b) The department shall work with other state agencies, insurance
29 carriers that offer health benefit plans in the state, hospitals, birthing
30 facilities, maternal-child healthcare consortia, early childhood home
31 visitation programs, community-based organizations, and social service
32 providers to develop protocols concerning the timely sharing of data
33 collected under this section, including the sharing of data with the primary
34 care providers of parents participating in the Universal Newborn Home Nurse
35 Visitation Program.

36 (c)(1) The department may contract with a third-party vendor with

1 expertise in the model utilized by the Universal Newborn Home Nurse
2 Visitation Program to assist with the analysis and evaluation of data
3 collected under this section.

4 (2) If a contract is entered into with a third-party vendor as
5 described in subdivision (c)(1) of this section, the department shall
6 facilitate the sharing of data with the third-party vendor in accordance with
7 state and federal law.

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9 SECTION 2. EFFECTIVE DATE. Section 1 of this act is effective on and
10 after February 1, 2025.

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