

1 State of Arkansas As Engrossed: H1/31/23 H2/27/23

2 94th General Assembly

# A Bill

3 Regular Session, 2023

HOUSE BILL 1103

4

5 By: Representatives J. Mayberry, *Haak*

6 By: Senators *Irvin, J. English*

7

8

## For An Act To Be Entitled

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

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15

## Subtitle

16

17 TO CREATE THE UNIVERSAL NEWBORN HOME  
18 NURSE VISITATION PROGRAM TO PROVIDE HOME  
19 VISITATION SERVICES FOR A NEWBORN INFANT  
20 AND THE PARENTS OF A NEWBORN INFANT.

21

22

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23

24 SECTION 1. Arkansas Code Title 20, Chapter 8, is amended to add an  
25 additional subchapter to read as follows:

26

Subchapter 12 – Universal Newborn Home Nurse Visitation Program

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20-8-1201. Legislative findings and intent.

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(a) The General Assembly finds that:

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

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



1           (3)(A) Like prenatal care, the postpartum healthcare visit that  
2 typically occurs six (6) weeks after childbirth is considered important to a  
3 new parent's health.

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

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

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

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

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

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

29  
30           20-8-1202. Definitions.

31           As used in this subchapter:

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

35           (2) "Evidence-based" means an approach to medicine, education,  
36 and other disciplines that emphasizes the practical application of the

1 findings of the best available current research; and

2 (3)(A) "Health benefit plan" means an individual, blanket, or  
3 group plan, policy, or contract for healthcare services issued or delivered  
4 by an insurer, health maintenance organization, hospital medical service  
5 corporation, or self-insured governmental or church plan in this state.

6 (B) "Health benefit plan" includes:

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

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

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

11 (i) A disability income plan;

12 (ii) A credit insurance plan;

13 (iii) Insurance coverage issued as a supplement to  
14 liability insurance;

15 (iv) Medical payments under an automobile or  
16 homeowner's insurance plan;

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

20 (vi) A plan that provides only indemnity for  
21 hospital confinement;

22 (vii) An accident-only plan;

23 (viii) A specified disease plan;

24 (ix) A plan that includes only dental benefits or  
25 eye and vision care benefits; or

26 (x) A long-term-care-only plan.

27  
28 20-8-1203. Universal Newborn Home Nurse Visitation Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

36           (8) Provide support services to the parent of a newborn infant,

1 including without limitation breastfeeding education and assistance to a  
2 woman who has recently given birth in recognizing the symptoms of, and coping  
3 with, perinatal mood disorder;

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

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

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

20  
21 20-8-1204. Administration and contracting.

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

27  
28 20-8-1205. Resource guide.

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

34 (b) The resource guide shall be distributed at the time that the  
35 parent of a newborn infant are informed of the program and of their right to  
36 schedule a home nurse visit.

1  
2 20-8-1206. Health benefit plan coverage of services under Universal  
3 Newborn Home Nurse Visitation Program.

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

7 (b) A health benefit plan shall:

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

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

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

19 (A) A value-based payment methodology;

20 (B) An invoice claim process;

21 (C) A capitated payment arrangement;

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

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

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

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

33 (2) The information contained in the report described in  
34 subdivision (d)(1) of this section shall be shared with the Department of  
35 Health and used to assess the program.

36

1 20-8-1207. Arkansas Medicaid Program coverage of services under  
2 Universal Newborn Home Nurse Visitation Program.

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

6 (2) If a beneficiary is eligible for another home visitation  
7 service through the Arkansas Medicaid Program or another program offered by  
8 the Department of Human Services, the Arkansas Medicaid Program shall not be  
9 required to provide duplicative services through the Universal Newborn Home  
10 Visitation Program.

11 (b) The Arkansas Medicaid Program shall:

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

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

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

25 (A) A value-based payment methodology;

26 (B) An invoice claim process;

27 (C) A capitated payment arrangement;

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

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

35 (c) A copayment, coinsurance, deductible, or any other cost-sharing  
36 shall be waived for services under the Universal Newborn Home Nurse

1 Visitation Program.

2 (d) The Arkansas Medicaid Program shall share information on claims  
3 submitted for services provided under the Universal Newborn Home Nurse  
4 Visitation Program with the Department of Health that may be used to assess  
5 the Universal Newborn Home Nurse Visitation Program.

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

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10 20-8-1208. Assessment of Universal Newborn Home Nurse Visitation  
11 Program.

12 (a)(1) The Department of Health shall collect and analyze data about  
13 the Universal Newborn Home Nurse Visitation Program established in § 20-8-  
14 1203.

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

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

27 (c)(1) The department may contract with a third-party vendor with  
28 expertise in the model utilized by the Universal Newborn Home Nurse  
29 Visitation Program to assist with the analysis and evaluation of data  
30 collected under this section.

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

35

36 SECTION 2. DO NOT CODIFY. Implementation date.

