

APA-1

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No: 560 Department or Agency: Alabama Medicaid Agency

Rule No: 560-X-43

Rule Title: Prenatal Services

_____ New; _____ Amend; X Repeal; _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? _____ no

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? _____ yes

Is there another, less restrictive method of regulation available that could adequately protect the public? _____ no

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? _____ no

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? _____ no

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? _____ yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? _____ no

Does the proposed rule have an economic impact? _____ no

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer: Stephanie Lindsay

Date: 5/22/2018

ALABAMA MEDICAID AGENCY

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Medicaid Agency

RULE NO. & TITLE: 560-X-43 – Prenatal Services

INTENDED ACTION: Repeal 560-X-43

SUBSTANCE OF PROPOSED ACTION: The above referenced chapter is being repealed as Prenatal Services are covered under 560-X-6 Physicians and 560-X-45 Maternity Care Program.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written or oral comments may be submitted to the Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Agency business hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written/Oral comments concerning this change must be received by the Alabama Medicaid Agency no later than July 5, 2018.

CONTACT PERSON AT AGENCY: Stephanie Lindsay, Administrative Secretary, Alabama Medicaid Agency, 501 Dexter Avenue, Post Office Box 5624, Montgomery, Alabama 36103-5624. Phone: (334) 242-5833.



Stephanie McGee Azar
Commissioner

Chapter 43 Prenatal Services - REPEALED

Rule No. 560-X-43-.01 General

(1) Prenatal care services are those services that are necessary for the health of the pregnant woman and her fetus during the antepartum period.

(2) Prenatal services, including initial and periodic evaluation of patient's status, are covered for the entire gestational period.

(3) Prenatal services are available through providers who are under contract with the Alabama Medicaid Agency, including Primary Care Clinics, Rural Health Clinics, FQHC's, the Department of Public Health Clinics, physicians, and nurse midwives.

Authority: State Plan; Title XIX, Social Security Act; 42 C.F.R., Sections 440.165, 440.50, 440.90, 440.130, and 440.210. Rule effective August 10, 1988. Effective date of this amendment June 14, 1994. **Repealed:** Filed May 22, 2018.

Rule No. 560-X-43-.02 Eligibility

(1) Persons eligible for prenatal services are those Medicaid eligible persons deemed pregnant by laboratory tests or physical examination, without regard to marital status.

Authority: State Plan; Title XIX, Social Security Act; 42 C.F.R., Sections 435.1 and 435.110. Rule effective August 10, 1988. Effective date of this amendment June 14, 1994. **Repealed:** Filed May 22, 2018.

Rule No. 560-X-43-.03 Consent for Services

(1) The Code of Alabama, 1975, Title 22, Chapter 8, governs the rights of minors to consent to any legally authorized medical service.

(2) Illiterate recipients may give consent for prenatal services by making their mark (i.e., "X") on the appropriate line. This type of consent for services must be witnessed by an adult with his/her signature after the phrase "witnessed by."

(3) A patient's acceptance of any prenatal service or information is strictly voluntary on the part of the patient. The provider must not administer any form of duress or coercion to gain such acceptance.

Authority: State Plan; Title XIX, Social Security Act; 42 C.F.R., Section 431.51. Rule effective August 10, 1988. This amendment effective June 14, 1994. **Repealed:** Filed May 22, 2018.

Rule No. 560-X-43-.04 Covered Services

(1) Antepartum Care:

(a) Antepartum care includes all usual prenatal services such as the initial office visit, at which time pregnancy is diagnosed, and subsequent visits that include histories, physical examinations, blood pressure recordings, fetal heart tones, maternity counseling and risk assessments. Antepartum care also includes routine lab work (i.e., hematocrit and chemical urinalysis); therefore, claims for routine lab work should not be filed.

(b) The frequency of return visits should be determined by the risk assessment. For an uncomplicated pregnancy the subsequent visits are to follow the recommendations listed in the Standards for Obstetrical/Gynecological Services, published by the American College of Obstetricians and Gynecologists.

(c) If appropriate, patients with high risk pregnancies shall be referred to a qualified physician for evaluation and management of the pregnancy.

(d) Laboratory services as appropriate for quality prenatal care as recommended by the American College of Obstetricians and Gynecologists are covered.

(2) Post partum care:

(a) Post partum care includes visits following delivery for routine post partum care within sixty (60) days past delivery. Additional claims for routine visits during this time are not covered.

1. One (1) post partum office visit [six(6)-week checkup] is authorized for completion of the maternity cycle.

2. Two (2) additional post partum visits are authorized for post partum patients with obstetrical complications; e.g., infection of surgical wound, during the 60-day post partum period. Medical records should clearly document the complication requiring the additional visit.

Authority: State Plan; Title XIX, Social Security Act; 42 C.F.R., Sections 440.30, 440.50, 440.90 and 441.16. Rule effective August 10, 1988. Rule amended November 13, 1991. Effective date of this amendment June 14, 1994. **Repealed:** Filed May 22, 2018.

Rule No. 560-X-43-.05 Billing of Medicaid Recipients

(1) A provider may bill Medicaid recipients for any noncovered procedure or service provided to a recipient who has exhausted her annual benefits.

(2) Billing of recipients for services not paid by Medicaid due to provider correctable errors on claim submissions or untimely filing is not permissible.

(3) Medicaid recipients are exempt from co-pay requirements for prenatal services.

Authority: State Plan; Title XIX, Social Security Act; 42 C.F.R., Section 447.15, Att. 4.18A. Rule effective June 14, 1994. **Repealed:** Filed May 22, 2018.

Rule No. 560-X-43-.06 Prenatal Program Manual

(1) A Prenatal Program Manual detailing the elements of the antepartum visits, instructions for completion of forms, and procedures to follow in the administration of services is provided to the prenatal providers.

(2) Prenatal providers will be required to follow procedures outlined in the manual. Failure to do so may result in the recoupment of paid claims from provider.

Authority: State Plan; Title XIX, Social Security Act; 42 C.F.R., 401, et seq. Rule effective June 14, 1994. **Repealed:** Filed May 22, 2018.