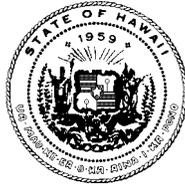


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'ŌKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'ŌKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'ŌKELE

Dir 23.90

December 26, 2023

The Honorable Ronald D. Kouchi, President
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

Enclosed is the Report To Expand The Types Of Qualified Providers Allowed To Provide Lactation Consultant Services For The Medicaid Population in the State according to Senate Resolution 4, Senate Draft 1, House Concurrent Resolution 7, House Draft 2, and House Resolution 6, House Draft 2 (2023).

In accordance with section 93-16, Hawaii Revised Statutes, the report is available to review electronically at the Department's website, at <https://humanservices.hawaii.gov/reports/legislative-reports/>.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Betts".

Cathy Betts
Director

Enclosure

- c: Governor's Office
Lieutenant Governor's Office
Department of Budget & Finance
Legislative Auditor
Legislative Reference Bureau Library (1 hard copy)
Hawaii State Public Library, System State Publications Distribution Center (2 hard copies, 1 electronic copy)
Hamilton Library, Serials Department, University of Hawaii (1 hard copy)

REPORT TO THE THIRTY-SECOND LEGISLATURE 2024 REGULAR SESSION

To Expand The Types Of Qualified Providers Allowed To Provide
Lactation Consultant Services For The Medicaid Population in the State
according to Senate Resolution 4, Senate Draft 1, House Concurrent
Resolution 7, House Draft 2, and House Resolution 6, House Draft 2
(2023)

Med-QUEST Division, State of Hawai'i
The Department of Human Services,
December 2023

The State of Hawaii's Thirty-Second Legislature 2023 provided Senate Resolution 4, Senate Draft 1 (SR4), House Concurrent Resolution 7, House Draft 2 (HCR7), and House Resolution 6, House Draft 2 (HR6) similarly requesting that the Department of Human Services (DHS), Med-QUEST Division (MQD) submit a report regarding the steps taken and progress made to expand the types of providers who can provide lactation consultant services for the population served by Medicaid in the State. The resolutions' titles read as follows:

- SR 4: REQUESTING THE DEPARTMENT OF HUMAN SERVICES MED-QUEST DIVISION TO EXPAND THE TYPES OF QUALIFIED PROVIDERS ALLOWED TO PROVIDE LACTATION CONSULTANT SERVICES FOR THE MEDICAID POPULATION IN THE STATE
- HCR7 HD2/HR6 HD2: REQUESTING THE DEPARTMENT OF HUMAN SERVICES MED-QUEST DIVISION, IN COLLABORATION WITH THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS, TO EXPAND THE TYPES OF QUALIFIED PROVIDERS ALLOWED TO PROVIDE LACTATION CONSULTANT SERVICES FOR THE MEDICAID POPULATION IN THE STATE.

These resolutions request MQD to expand the types of qualified providers allowed to provide lactation consultant services for the Medicaid population in the State, to take any steps necessary to obtain necessary approvals, create internal processes, and credential appropriate providers who have obtained International Board of Lactation Consultant Examiners certification or Certified Lactation Counselor certification, and to submit a report to the Legislature on the steps taken and progress made in expanding the types of providers who can provide lactation consultant services no later than twenty days prior to the convening of the Regular Session of 2024.

MQD took several steps to expand the types of qualified providers allowed to provide lactation consultant services for the Medicaid population in the state. These steps included work to identify types of qualified providers, define lactation consultant services, review federal and state rules and regulations concerning qualifications for Medicaid providers, and determine what internal process changes are needed to expand providers of lactation consultant services.

MQD partnered with advocacy organizations Early Childhood Action Strategy (ECAS) and Lactation Access Transforming Communities in Hawai'i (LATCH) to identify types of qualified providers and define lactation consultant services. Together, these partners brought additional key community partners for an in-depth exploration of Hawaii's needs to expand lactation consultant services. This work shaped MQD's definition of lactation consultation scope of services and the details necessary to navigate expanding different types of lactation service providers within the Hawaii Medicaid program.

As another possible expansion, MQD is researching if and how unlicensed International Board-Certified Lactation Consultants (IBCLC) could be added as a Hawaii Medicaid provider. Steps taken

involve initiating discussions with the Center for Medicare and Medicaid Services (CMS) regarding the requirements and researching other State programs. Federal regulations require licensed Medicaid providers except in specific cases and for particular types of services, such as “Preventive services.” Research showed that all other states’ Medicaid programs add IBCLC as Medicaid providers, through licensure of IBCLC, or they limit Medicaid IBCLC to providers already eligible to enroll in Medicaid as another already approved provider type in their State. Thus, this topic will require significantly more research and discussion as there are no other state examples regarding unlicensed IBCLC providers, and this process is one of the first attempts by MQD to add an unlicensed Medicaid provider.

MQD will continue the discussion with CMS on how to add unlicensed International Board-Certified Lactation Consultants (IBCLC) as Hawaii Medicaid providers. If it is determined that State recognition through licensure of IBCLCs is required, the licensure body in the State of Hawaii is the Department of Commerce and Consumer Affairs (DCCA) under the Professional and Vocational Licensing Division. Initial discussions with DCCA indicated that since these are certifications and not licenses, other expansion methods should be explored first. MQD is also reviewing Hawaii state rules and regulations to determine if there are State limitations on allowing unlicensed providers to enroll as Medicaid providers.

MQD intends to conclude its discussions and research on adding IBCLC as Hawaii Medicaid providers of the preventive service of Lactation Consultation within the 2024 calendar year. Additional steps to accomplish this expansion may include State Plan Amendments if the decision is made to add IBCLC as an unlicensed Hawaii Medicaid provider of lactation consultant services. However, if it is determined that State recognition through licensure of IBCLCs is required, a State Plan Amendment would be submitted after DCCA's (possible) implementation of licensure for IBCLCs.

While discussions and reviews continue, MQD has identified necessary internal steps to add a new IBC(LC) provider type in the MQD provider enrollment system.