

## **LEGAL NOTICE**

### **STATE OF NEW JERSEY DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

#### **Lactation Consultant Services**

TAKE NOTICE that the Department of Human Services, Division of Medical Assistance and Health Services (DMAHS) intends to seek approval from the United States Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS), for an amendment to the New Jersey Medicaid (Title XIX) State Plan and Alternative Benefit Plan (ABP) in order to expand lactation services as a Preventive Services benefit to include perinatal services delivered by a lactation consultant.

Expanding lactation support services is part of statewide initiatives to improve maternal health-related outcomes under NurtureNJ, a campaign led by First Lady Tammy Murphy to reduce racial disparities in maternal and infant health. Evidence shows that breastfeeding can improve both maternal and infant outcomes, and reduce hospitalizations and physician visits. New Jersey intends to clarify and strengthen coverage of lactation support services by adding lactation consultants under the Preventive Services benefit.

Subject to CMS approval, qualified lactation consultants are defined as those International Board Certified Lactation Consultants [IBCLCs] certified by the International Board of Lactation Consultant Examiners and will provide lactation services including group breastfeeding education classes, breastfeeding support groups, one-on-one support visits, and telephonic support. Lactation Consultants work in a variety of settings and are trained to provide the full spectrum of breastfeeding services, including education, basic support, and addressing serious lactation issues.

The anticipated costs for the proposed Title 19 amendment by SFY are as follows: SFY23: \$753,469 (\$358,398 state; \$395,071 federal), SFY24: \$1,506,938 (\$716,795 state; \$790,143 federal). The anticipated costs for the

proposed ABP amendment by SFY are as follows: SFY23: \$15,377 (\$1,538 state; \$13,839 federal), SFY24: \$30,754 (\$3,075 state; \$27,678 federal).

The fee schedule will be published on the Department's fiscal agent's website at <https://www.njmmis.com> under "rate and code information" when available.

The ABP was established in accordance with the Patient Protection and Affordable Care Act (ACA) when New Jersey expanded Medicaid effective January 1, 2014 to parents and caretaker relatives and childless adults with income up to and including 133% of the federal poverty level. The ACA requires the establishment of an Alternative Benefit package for the Medicaid Expansion populations. The ABP must cover 10 Essential Health Benefits as described in section 1302(b) of the ACA and the State assures that there will be full access to EPSDT services for people under 21 years of age. A list of services can be found on the DHS website at the site listed below.

This Notice is intended to satisfy the requirements of Federal law and regulations, specifically 42 C.F.R. 440.386, 42 CFR 447.205, and 42 U.S.C. 1396a(a)(13). A copy of this Notice is available for public review at the Medical Assistance Customer Centers, County Welfare Agencies, and the Department's website at:

<http://www.state.nj.us/humanservices/providers/grants/public/index.html>.

Comments or inquiries must be submitted in writing within 30 days of the date of this notice to:

Division of Medical Assistance and Health Services

Office of the Medical Director

Attention: Angela Bowe

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