



July 27, 2026

Texas Health and Human Services Commission

RE: Comments on Proposed Rules for Medicaid Lactation Consultation Services

Dear HHSC Staff,

Thank you for the opportunity to provide comments on the proposed rules implementing Medicaid coverage for lactation consultation services under House Bill 136 (89th Legislature). Texans Care for Children appreciates HHSC's thoughtful stakeholder engagement throughout the implementation process, including opportunities to meet with agency staff and provide feedback as these rules were developed. We are pleased to see the agency moving forward with implementation of this important new Medicaid benefit.

House Bill 136 represented a significant step toward improving maternal and infant health in Texas by ensuring Medicaid recipients have access to evidence-based lactation support. Breastfeeding is associated with improved health outcomes for both mothers and infants, and access to lactation consultation can improve breastfeeding initiation, duration, and success. As Medicaid finances approximately half of all births in Texas, successful implementation of this benefit has the potential to improve health outcomes for thousands of Texas families each year.

Overall, we believe the proposed rules provide a strong framework for implementing the new benefit. We respectfully offer the following recommendations to ensure the program is accessible, workable for providers, and consistent with the Legislature's intent.

1. Clarify that lactation consultation services may be provided in hospitals and birthing centers that do not employ their own lactation consultants.

We recommend clarifying that when a hospital or birthing center does not have an employed lactation consultant, an external Medicaid-enrolled lactation consultant may provide services to patients during an inpatient stay and receive reimbursement.

This clarification is particularly important for rural communities. Many smaller hospitals and birthing centers do not have the financial resources or patient volume necessary to support a full-time lactation consultant. One of the key motivations for HB 136 was expanding access to lactation expertise in areas where those services are currently unavailable. Without this clarification, families delivering at smaller and rural hospitals could be left without access to the very services the Legislature intended to make available.

2. Clarify allowable settings and modalities for lactation consultation services.

We recommend clarifying that lactation consultation services may be provided in individual or group settings and through telehealth when clinically appropriate.

Providing flexibility in how services are delivered will improve access for families, particularly those in rural and underserved communities, while allowing providers to offer care in the manner that best meets patients' needs.

3. Clarify billing requirements.

We recommend distinguishing between the rendering provider and the billing provider to make clear that hospitals, federally qualified health centers, rural health clinics, physician groups, and other qualified provider organizations may bill Medicaid on behalf of employed lactation consultants.

This clarification would allow providers to utilize existing billing infrastructure and reduce unnecessary administrative barriers to participation, helping ensure more providers are able to offer this important service.

4. Clarify that lactation consultation services are separately reimbursable.

We recommend clarifying that lactation consultation services are separately reimbursable from other covered professional services. This clarification will provide certainty to providers and encourage participation in the Medicaid benefit.

Thank you again for your partnership and for your work implementing this important new Medicaid benefit. We appreciate HHSC's commitment to improving maternal and infant health in Texas and respectfully request consideration of these recommendations to help ensure HB 136 achieves its intended goal of expanding access to high-quality lactation care for Medicaid families across the state.

Sincerely,

Diana Forester
Director of Health Policy
Texans Care for Children