

As Introduced

133rd General Assembly

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S. B. No. 328

Senators Maharath, Kunze

Cosponsors: Senators Antonio, Thomas, Yuko, Lehner, Craig, Fedor

A BILL

To enact sections 5164.071 and 5164.072 of the 1
Revised Code related to Medicaid coverage of 2
doula services. 3

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

Section 1. That sections 5164.071 and 5164.072 of the 4
Revised Code be enacted to read as follows: 5

Sec. 5164.071. (A) As used in this section and section 6
5164.072 of the Revised Code: 7

(1) "Doula" means an individual who provides doula 8
services. 9

(2) "Doula certification organization" means an entity 10
that is locally, state, nationally, or internationally 11
recognized for training and certifying doulas and whose 12
educational curriculum meets the requirements set forth in this 13
section. "Doula certification organization" includes all of the 14
following: 15

(a) A black-led, community-based public health 16
organization that has been approved by the Ohio doula advisory 17

<u>board under section 5164.072 of the Revised Code;</u>	18
<u>(b) Birthing beautiful communities;</u>	19
<u>(c) Restoring our own through transformation;</u>	20
<u>(d) DONA international;</u>	21
<u>(e) Birthworks international;</u>	22
<u>(f) Doula trainings international;</u>	23
<u>(g) Commonsense childbirth, inc.;</u>	24
<u>(h) Any other organization approved by the medicaid</u>	25
<u>director, in consultation with the Ohio doula advisory board.</u>	26
<u>(3) "Doula services" means physical, emotional, or</u>	27
<u>educational support provided during the prenatal, childbirth,</u>	28
<u>and postpartum periods, other than such support that is</u>	29
<u>considered to be medical, midwifery, or clinical in nature.</u>	30
<u>"Doula services" include all of the following:</u>	31
<u>(a) Prenatal and postpartum visits;</u>	32
<u>(b) Birth support and time spent on call in reasonable</u>	33
<u>anticipation of a birth;</u>	34
<u>(c) Communications between a doula and a pregnant woman or</u>	35
<u>a pregnant woman's support person, including through telephone,</u>	36
<u>electronic, or other means;</u>	37
<u>(d) Connecting a pregnant woman or woman capable of</u>	38
<u>becoming pregnant with nonprofit organizations that provide</u>	39
<u>assistance in locating available health and social services;</u>	40
<u>(e) Time spent on related administrative tasks such as</u>	41
<u>documentation.</u>	42
<u>(B) The medicaid program shall cover doula services</u>	43

provided by a doula with a valid provider agreement who meets 44
all of the requirements of division (C) of this section. 45
Medicaid payments made under the coverage of doula services 46
shall be determined on the basis of each pregnancy, but for each 47
pregnancy, the total of all medicaid payments for doula services 48
shall not exceed two thousand five hundred dollars, regardless 49
of whether multiple births occur as a result of that pregnancy. 50

(C) To be eligible for payments under the medicaid 51
program's coverage of doula services, a doula must submit all of 52
the following to the satisfaction of the medicaid director: 53

(1) Proof that the doula has a current, valid certificate 54
issued by a doula certification organization; 55

(2) An attestation that the doula has completed at least 56
sixty hours of in-person classroom instruction and training that 57
includes any combination of childbirth education, birth doula 58
training, antepartum doula training, and postpartum doula 59
training; 60

(3) Proof of attendance at a minimum of all of the 61
following: 62

(a) One breastfeeding class; 63

(b) Two childbirth classes; 64

(c) Two births. 65

(4) At least one positive reference from a birth mother 66
and at least one positive reference from a licensed health 67
professional practicing in public health or a community-based 68
public health organization; 69

(5) Proof of completion of instruction in all of the 70
following that meet standards established in rules adopted under 71

<u>division (D) of this section:</u>	72
<u>(a) Cultural competency;</u>	73
<u>(b) Cardiopulmonary resuscitation;</u>	74
<u>(c) Health information confidentiality, including the</u>	75
<u>privacy standards established under the federal "Health</u>	76
<u>Insurance Portability and Accountability Act of 1996," 42 U.S.C.</u>	77
<u>1320d, et seq.</u>	78
<u>(D) The medicaid director shall adopt rules under section</u>	79
<u>5164.02 of the Revised Code to implement this section. The rules</u>	80
<u>shall be consistent with the recommendations of the Ohio doula</u>	81
<u>advisory board.</u>	82
<u>Sec. 5164.072.</u> (A) <u>There is hereby established in the</u>	83
<u>department of medicaid the Ohio doula advisory board.</u>	84
<u>(B) (1) The Ohio doula advisory board shall consist of at</u>	85
<u>least thirteen but not more than fifteen members appointed by</u>	86
<u>the medicaid director, including at least one representative</u>	87
<u>from birthing beautiful communities and one representative from</u>	88
<u>restoring our own through transformation.</u>	89
<u>The overall composition of the membership of the advisory</u>	90
<u>board shall be as follows:</u>	91
<u>(a) Twenty per cent of the board's membership shall</u>	92
<u>represent communities most impacted by negative maternal and</u>	93
<u>infant health outcomes;</u>	94
<u>(b) Forty per cent of the board's membership shall be</u>	95
<u>doulas with current, valid certificates issued by doula</u>	96
<u>certification organizations;</u>	97
<u>(c) Forty per cent of the board's membership shall be</u>	98

<u>public health officials, physicians, nurses, or social workers.</u>	99
<u>(2) Both of the following apply to the director in</u>	100
<u>appointing members to the advisory board:</u>	101
<u>(a) A good faith effort shall be made to select members</u>	102
<u>who represent counties with higher rates of infant and maternal</u>	103
<u>mortality, particularly those counties with the largest</u>	104
<u>disparities;</u>	105
<u>(b) Priority shall be given to individuals with direct</u>	106
<u>service experience providing care to infants and pregnant and</u>	107
<u>postpartum women.</u>	108
<u>(C) The Ohio doula advisory board, by a majority vote of a</u>	109
<u>quorum of its members, shall select an individual to serve as</u>	110
<u>its chairperson. The advisory board may replace a chairperson in</u>	111
<u>the same manner.</u>	112
<u>(D) Each member of the Ohio doula advisory board shall be</u>	113
<u>appointed to a term of two years. The director shall fill a</u>	114
<u>vacancy as soon as practicable.</u>	115
<u>(E) A member shall not receive any compensation for, and</u>	116
<u>shall not be paid for any expenses incurred pursuant to,</u>	117
<u>fulfilling the member's duties on the Ohio doula advisory board.</u>	118
<u>(F) The Ohio doula advisory board shall meet at the call</u>	119
<u>of the advisory board's chairperson as often as the chairperson</u>	120
<u>determines necessary for timely completion of the board's duties</u>	121
<u>as described in this section.</u>	122
<u>(G) The department of medicaid shall provide meeting</u>	123
<u>space, staff services, and other technical assistance required</u>	124
<u>by the Ohio doula advisory board in carrying out its duties.</u>	125
<u>(H) The Ohio doula advisory board shall do all of the</u>	126

<u>following:</u>	127
<u>(1) Provide general advice, guidance, and recommendations</u>	128
<u>to the department regarding the medicaid program's coverage of</u>	129
<u>doula services as provided in section 5164.071 of the Revised</u>	130
<u>Code;</u>	131
<u>(2) (a) Verify and approve, for purposes of section</u>	132
<u>5164.071 of the Revised Code, an organization as a black-led,</u>	133
<u>community-based public health organization if the advisory board</u>	134
<u>determines that both of the following apply:</u>	135
<u>(i) The organization is comprised of individuals, at least</u>	136
<u>seventy-five per cent of whom identify as black or African</u>	137
<u>American;</u>	138
<u>(ii) The organization demonstrates a commitment to</u>	139
<u>diversity and improving infant and maternal health outcomes of</u>	140
<u>minority populations.</u>	141
<u>(b) In making the determination required by division (H)</u>	142
<u>(2) (a) of this section, the advisory board shall require an</u>	143
<u>organization to provide information regarding diversity</u>	144
<u>characteristics of the organization, including individual staff</u>	145
<u>and leadership of the organization. The advisory board may</u>	146
<u>develop a form for purposes of obtaining the information</u>	147
<u>specified in divisions (H) (2) (a) (i) and (ii) of this section, or</u>	148
<u>otherwise specify instructions for an organization to provide</u>	149
<u>the information to the advisory board.</u>	150
<u>(3) Establish a state doula registry that includes any</u>	151
<u>doula who requests to be included on the registry, if the</u>	152
<u>advisory board is satisfied that all of the following are the</u>	153
<u>case:</u>	154
<u>(a) The doula is at least eighteen years of age;</u>	155

(b) The doula meets all of the requirements set forth in 156
division (C) of section 5164.071 of the Revised Code to be 157
eligible for payments under the medicaid program's coverage of 158
doula services; 159

(c) The doula is covered by malpractice insurance against 160
the legal liability of the doula and against loss, damage, or 161
expense incident to a claim arising out of the death, disease, 162
or injury of any person as the result of negligence or 163
malpractice by the doula in rendering doula services; 164

(d) The doula has complied with any other eligibility 165
requirement established by the advisory board. 166

(4) Make recommendations to the medicaid director 167
regarding rules to be adopted for purposes of section 5164.071 168
of the Revised Code. 169