

As Re-Referred by the House Rules and Reference Committee

134th General Assembly

Regular Session

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H. B. No. 142

Representatives Crawley, Brinkman

**Cosponsors: Representatives Hicks-Hudson, Boyd, West, Gross, Howse,
Skindell, Lightbody, Boggs, Miller, A., Smith, M., Young, T., Brent, Russo, Kelly,
Weinstein, Jarrells**

A BILL

To enact sections 4723.89, 4723.90, 5120.658, and 1
5164.071 of the Revised Code regarding doula 2
services and to repeal sections 4723.89, 3
4723.90, 5120.658, and 5164.071 of the Revised 4
Code four years after those sections take 5
effect, to abolish those provisions on that 6
date. 7

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

Section 1. That sections 4723.89, 4723.90, 5120.658, and 8
5164.071 of the Revised Code be enacted to read as follows: 9

Sec. 4723.89. (A) As used in this section: 10

(1) "Doula" means a trained, nonmedical professional who 11
provides continuous physical, emotional, and informational 12
support to a pregnant woman during any of the following periods, 13
regardless of whether the woman's pregnancy results in a live 14
birth: 15

(a) The antepartum period; 16

<u>(b) The intrapartum period;</u>	17
<u>(c) The postpartum period.</u>	18
<u>(2) "Doula certification organization" means all of the</u>	19
<u>following organizations that are recognized, at an</u>	20
<u>international, national, state, or local level, for training and</u>	21
<u>certifying doulas:</u>	22
<u>(a) Birthing beautiful communities;</u>	23
<u>(b) Restoring our own through transformation;</u>	24
<u>(c) The international childbirth education association;</u>	25
<u>(d) DONA international;</u>	26
<u>(e) The association of labor assistants and childbirth</u>	27
<u>educators;</u>	28
<u>(f) Birthworks international;</u>	29
<u>(g) Childbirth and postpartum professional association;</u>	30
<u>(h) Childbirth international;</u>	31
<u>(i) The international center for traditional childbearing;</u>	32
<u>(j) Commonsense childbirth inc.;</u>	33
<u>(k) Any other recognized organization that the board of</u>	34
<u>nursing considers appropriate.</u>	35
<u>(B) Beginning on the date that occurs nine months after</u>	36
<u>the effective date of this section, a person shall not use or</u>	37
<u>assume the title "certified doula" unless the person holds a</u>	38
<u>certificate issued under this section by the board of nursing.</u>	39
<u>(C) The board shall adopt rules in accordance with Chapter</u>	40
<u>119. of the Revised Code establishing standards and procedures</u>	41

for issuing certificates to doulas under this section. The rules shall include all of the following: 42
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(1) Requirements for certification as a doula, including a requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules; 44
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(2) Requirements for renewal of a certificate and continuing education; 49
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(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal; 51
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(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding three hundred per cent of the federal poverty line; 54
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(5) Requirements and standards of practice for certified doulas; 57
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(6) The amount of a fine to be imposed under division (E) of this section; 59
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(7) Any other standards or procedures the board considers necessary to implement this section. 61
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(D) The board shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board. 63
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(E) In an adjudication under Chapter 119. of the Revised Code, the board may impose a fine against any person who violates division (B) of this section. On request of the board, 67
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the attorney general shall bring and prosecute to judgment a 70
civil action to collect any fine imposed under this division 71
that remains unpaid. 72

Sec. 4723.90. (A) For the period of the pilot program 73
operated under section 5164.071 of the Revised Code, there is 74
hereby established within the board of nursing the doula 75
advisory board. 76

(B) (1) The advisory board shall consist of at least 77
thirteen but not more than fifteen members appointed by the 78
board of nursing, including at least one representative from 79
birthing beautiful communities and one representative from 80
restoring our own through transformation. 81

The overall composition of the membership of the advisory 82
board shall be as follows: 83

(a) At least three members shall represent communities 84
most impacted by negative maternal and infant health outcomes. 85

(b) At least six members shall be doulas with current, 86
valid certification from a doula certification organization. 87

(c) At least one member shall be a public health official, 88
physician, nurse, or social worker. 89

(d) At least one member shall be a consumer. 90

(2) Both of the following apply to the board of nursing in 91
appointing members to the advisory board: 92

(a) A good faith effort shall be made to select members 93
who represent counties with higher rates of infant and maternal 94
mortality, particularly those counties with the largest 95
disparities. 96

<u>(b) Priority shall be given to individuals with direct</u>	97
<u>service experience providing care to infants and pregnant and</u>	98
<u>postpartum women.</u>	99
<u>(C) The advisory board, by a majority vote of a quorum of</u>	100
<u>its members, shall select an individual to serve as its</u>	101
<u>chairperson. The advisory board may replace a chairperson in the</u>	102
<u>same manner.</u>	103
<u>(D) Of the initial appointments to the advisory board,</u>	104
<u>half shall be appointed to a term of one year and half shall be</u>	105
<u>appointed to a term of two years. Thereafter, all terms shall be</u>	106
<u>two years. The board of nursing shall fill a vacancy as soon as</u>	107
<u>practicable.</u>	108
<u>(E) If requested, a member shall receive per diem</u>	109
<u>compensation for, as well as reimbursement of actual and</u>	110
<u>necessary expenses incurred pursuant to, fulfilling the member's</u>	111
<u>duties on the advisory board.</u>	112
<u>(F) The advisory board shall meet at the call of the</u>	113
<u>advisory board's chairperson as often as the chairperson</u>	114
<u>determines necessary for timely completion of the board's duties</u>	115
<u>as described in this section.</u>	116
<u>(G) The board of nursing shall provide meeting space,</u>	117
<u>staff services, and other technical assistance required by the</u>	118
<u>advisory board in carrying out its duties.</u>	119
<u>(H) The advisory board shall do all of the following:</u>	120
<u>(1) Provide general advice, guidance, and recommendations</u>	121
<u>to the board of nursing regarding doula certification and the</u>	122
<u>adoption of rules under divisions (C) (3) and (5) of section</u>	123
<u>4723.89 of the Revised Code;</u>	124

(2) Provide general advice, guidance, and recommendations 125
to the department of medicaid regarding the pilot program 126
operated under section 5164.071 of the Revised Code; 127

(3) Make recommendations to the medicaid director 128
regarding the adoption of rules for purposes of section 5164.071 129
of the Revised Code. 130

Sec. 5120.658. (A) As used in this section, "doula" has 131
the same meaning as in section 4723.89 of the Revised Code. 132

(B) During the period beginning nine months after the 133
effective date of this section and ending four years after the 134
effective date of this section, the department of rehabilitation 135
and correction shall operate a pilot program to provide to 136
inmates participating in any prison nursery program established 137
under section 5120.65 of the Revised Code doula services that 138
are provided by a doula certified under section 4723.89 of the 139
Revised Code. 140

(C) The department may adopt rules in accordance with 141
Chapter 119. of the Revised Code to implement this section. 142

Sec. 5164.071. (A) As used in this section, "doula" has 143
the same meaning as in section 4723.89 of the Revised Code. 144

(B) During the period beginning nine months after the 145
effective date of this section and ending four years after the 146
effective date of this section, the medicaid program shall 147
operate a pilot program to cover doula services that are 148
provided by a doula if the doula has a valid provider agreement 149
and is certified under section 4723.89 of the Revised Code. 150
Medicaid payments for doula services shall be determined on the 151
basis of each pregnancy, regardless of whether multiple births 152
occur as a result of that pregnancy. 153

(C) Outcome measurements and incentives for the pilot 154
program shall be consistent with this state's medicare-medicaid 155
plan quality withhold methodology and benchmarks. The medicaid 156
director shall complete an annual report regarding the pilot 157
program outcomes, including related to maternal health and 158
morbidity and an estimated fiscal impact. The final annual 159
report shall include recommendations related to whether the 160
pilot program should be continued. The director shall provide a 161
copy of the annual report to the joint medicaid oversight 162
committee. 163

(D) The medicaid director shall adopt rules under section 164
5164.02 of the Revised Code to implement this section. 165

Section 2. That sections 4723.89, 4723.90, 5120.658, and 166
5164.071 of the Revised Code are hereby repealed, effective four 167
years after the effective date of this section. 168