

Sub. H.B. 33  
As Passed by the Senate  
MCD52 and NURCD1

\_\_\_\_\_ moved to amend as follows:

In line 265 of the title, after "4517.35," insert "4723.89,  
4723.90," 1  
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In line 272 of the title, after "5163.51," insert "5164.071," 3

In line 328 of the title, after the semicolon insert "to  
repeal sections 4723.89, 4723.90, and 5164.071 of the Revised Code  
five years after those sections take effect, to abolish those  
provisions on that date;" 4  
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In line 955, after "4517.35," insert "4723.89, 4723.90," 8

In line 961, after "5163.51," insert "5164.071," 9

After line 84254, insert: 10

"Sec. 4723.89. (A) As used in this section: 11

(1) "Doula" means a trained, nonmedical professional who  
provides continuous physical, emotional, and informational support  
to a pregnant woman during any of the following periods,  
regardless of whether the woman's pregnancy results in a live  
birth: 12  
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(a) The antepartum period; 17

(b) The intrapartum period; 18

<u>(c) The postpartum period.</u>	19
<u>(2) "Doula certification organization" means all of the following organizations that are recognized, at an international, national, state, or local level, for training and certifying doulas:</u>	20 21 22 23
<u>(a) Birthing beautiful communities;</u>	24
<u>(b) Restoring our own through transformation;</u>	25
<u>(c) The international childbirth education association;</u>	26
<u>(d) DONA international;</u>	27
<u>(e) Birthworks international;</u>	28
<u>(f) Childbirth and postpartum professional association;</u>	29
<u>(g) Childbirth international;</u>	30
<u>(h) Commonsense childbirth inc.;</u>	31
<u>(i) Any other recognized organization that the board of nursing considers appropriate.</u>	32 33
<u>(B) Beginning on the date that occurs one year after the effective date of this section, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.</u>	34 35 36 37
<u>(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:</u>	38 39 40 41
<u>(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</u>	42 43 44 45

<u>specified in the rules;</u>	46
<u>(2) Requirements for renewal of a certificate and continuing education;</u>	47
<u>(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;</u>	49
<u>(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding two hundred per cent of the federal poverty line;</u>	52
<u>(5) Requirements and standards of practice for certified doulas;</u>	55
<u>(6) The amount of a fine to be imposed under division (E) of this section;</u>	57
<u>(7) Any other standards or procedures the board considers necessary to implement this section.</u>	59
<u>(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.</u>	61
<u>(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, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid.</u>	65
<u>Sec. 4723.90. (A) For the period of the program operated under section 5164.071 of the Revised Code, there is hereby established within the board of nursing the doula advisory board.</u>	71

(B)(1) The advisory board shall consist of at least thirteen 74  
but not more than fifteen members appointed by the board of 75  
nursing, including at least one representative from birthing 76  
beautiful communities and one representative from restoring our 77  
own through transformation. 78

The overall composition of the membership of the advisory 79  
board shall be as follows: 80

(a) At least three members shall represent communities most 81  
impacted by negative maternal and infant health outcomes. 82

(b) At least six members shall be doulas with current, valid 83  
certification from a doula certification organization. 84

(c) At least one member shall be a public health official, 85  
physician, nurse, or social worker. 86

(d) At least one member shall be a consumer. 87

(2) Both of the following apply to the board of nursing in 88  
appointing members to the advisory board: 89

(a) A good faith effort shall be made to select members who 90  
represent counties with higher rates of infant and maternal 91  
mortality, particularly those counties with the largest 92  
disparities. 93

(b) Priority shall be given to individuals with direct 94  
service experience providing care to infants and pregnant and 95  
postpartum women. 96

(C) The advisory board, by a majority vote of a quorum of its 97  
members, shall select an individual to serve as its chairperson. 98  
The advisory board may replace a chairperson in the same manner. 99

(D) Of the initial appointments to the advisory board, half 100  
shall be appointed to a term of one year and half shall be 101

appointed to a term of two years. Thereafter, all terms shall be 102  
two years. The board of nursing shall fill a vacancy as soon as 103  
practicable. 104

(E) If requested, a member shall receive per diem 105  
compensation for, as well as reimbursement of actual and necessary 106  
expenses incurred pursuant to, fulfilling the member's duties on 107  
the advisory board. 108

(F) The advisory board shall meet at the call of the advisory 109  
board's chairperson as often as the chairperson determines 110  
necessary for timely completion of the board's duties as described 111  
in this section. 112

(G) The board of nursing shall provide meeting space, staff 113  
services, and other technical assistance required by the advisory 114  
board in carrying out its duties. 115

(H) The advisory board shall do all of the following: 116

(1) Provide general advice, guidance, and recommendations to 117  
the board of nursing regarding doula certification and the 118  
adoption of rules under divisions (C)(3) and (5) of section 119  
4723.89 of the Revised Code; 120

(2) Provide general advice, guidance, and recommendations to 121  
the department of medicaid regarding the program operated under 122  
section 5164.071 of the Revised Code; 123

(3) Make recommendations to the medicaid director regarding 124  
the adoption of rules for purposes of section 5164.071 of the 125  
Revised Code." 126

After line 104613, insert: 127

"Sec. 5164.071. (A) As used in this section, "doula" has the 128  
same meaning as in section 4723.89 of the Revised Code. 129

(B) During the period beginning one year after the effective date of this section and ending five years after the effective date of this section, the medicaid program shall operate a program to cover doula services that are provided by a doula if the doula has a valid provider agreement and is certified under section 4723.89 of the Revised Code. Medicaid payments for doula services shall be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy.

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

(D) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section. Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code."

After line 124768, insert:

**"Section 105.\_\_\_\_.** That sections 4723.89, 4723.90, and 5164.071 of the Revised Code are hereby repealed, effective five years after the effective date of this section."

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS

<b>Doula services</b>	157
<b>R.C. 4723.89, 4723.90, and 5164.071</b>	158
Restores provisions of the House-passed version of the bill	159
that do the following:	160
- Require the Board of Nursing to establish a registry of certified doulas.	161 162
- Establish the Doula Advisory Board within the Board of Nursing.	163 164
- Establish a five-year program in ODM to cover doula services provided by a certified doula with a Medicaid provider agreement.	165 166 167
- Authorize ODM to adopt rules to implement the program and exempt those rules from regulatory restriction reduction requirements.	168 169 170
Permits the Board of Nursing to waive an applicant's fee for certification and renewal if the applicant's family income is less than 200% FPL, rather than 300% FPL as in the House-passed version.	171 172 173 174