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S.B. 328
133rd General Assembly

Bill Analysis

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Version: As Passed by the Senate

Primary Sponsors: Sens. Maharath and Kunze

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SUMMARY

- Beginning July 1, 2021, creates four-year pilot programs that require doula services provided by certified doulas to be (1) covered by the Medicaid program to its recipients and (2) provided by the Department of Rehabilitation and Correction to inmates participating in a prison nursery program.
- For the period of the pilot programs, requires the Counselor, Social Worker, and Marriage and Family Therapist (CSWMFT) Board to certify doulas and prohibits uncertified persons from using the title “certified doula.”
- Establishes within the CSWMFT Board the Ohio Doula Advisory Board, which is required to provide advice and recommendations regarding (1) doula certification and related rules and (2) the Medicaid program’s coverage of doula services and related rules.

DETAILED ANALYSIS

Doula services pilot programs

The bill creates two four-year pilot programs, beginning July 1, 2021, regarding the provision of doula services and, for the same period, provides for the certification of doulas. Under the pilot programs, doula services must be (1) covered by the Medicaid program, (2) provided to certain inmates participating in a prison nursery program. Doulas are to be certified by the Counselor, Social Worker, and Marriage and Family Therapist (CSWMFT) Board. “Doula” is defined by the bill as a trained, nonmedical professional who provides continuous physical, emotional, and informational support to a pregnant woman before, during, and six weeks after labor and delivery.¹

¹ R.C. 4757.50(A), 5120.658(A), and 5164.071(A).

Medicaid pilot

Under the Medicaid program's four-year pilot, Medicaid must cover doula services that are provided by a doula who has a valid provider agreement and is certified by the CSWMFT Board, as discussed below. The bill specifies that Medicaid payments for doula services are to be determined on the basis of each pregnancy, regardless of whether the pregnancy involves multiple births.²

Outcome measurements and incentives for the pilot program must be consistent with Ohio's Medicare-Medicaid plan quality withhold methodology benchmarks. The Medicaid Director must complete an annual report on pilot program outcomes and provide the report to the Joint Medicaid Oversight Committee.³

The Medicaid Director is required to adopt rules to implement the pilot program.⁴

DRC pilot

The bill requires the Department of Rehabilitation and Correction (DRC) to operate a four-year pilot program to provide certified doula services (see below) to inmates participating in a prison nursery program.⁵ Currently, the only prison nursery program in Ohio is the Achieving Baby Care Success Program at the Ohio Reformatory for Women. The program allows incarcerated pregnant inmates to maintain custody of their infants after they are born.⁶

The bill permits DRC to adopt rules to implement the pilot program.⁷

Certification of doulas

Beginning July 1, 2021, and continuing through the operation of the pilot programs discussed above, the bill provides that a person is not permitted to use the title "certified doula" unless the person is certified by the CSWMFT Board.⁸ The bill does not limit the prohibition to doulas who practice within the pilot programs. It also does not establish a penalty for violating the prohibition.

The Board is required to adopt rules governing the practice of certified doulas, including:⁹

² R.C. 5164.071(B) and Section 2.

³ R.C. 5164.071(C); see CMS.gov, *Medicare-Medicaid Plan (MMP) Quality Withhold Methodology & Technical Notes*, available [here](#).

⁴ R.C. 5164.071(D).

⁵ R.C. 5120.658(B) and Section 2.

⁶ See R.C. 5120.65 through 5120.657 (authorizing prison nursery programs), not in the bill; Ohio Department of Rehabilitation and Correction, <https://drc.ohio.gov/orw>.

⁷ R.C. 5120.658(C).

⁸ R.C. 4757.50(B).

⁹ R.C. 4757.50(C).

1. Requirements for certification;
2. Requirements for renewal and continuing education;
3. Application and renewal fees;
4. Requirements and standards of practice for certified doulas.

Doula registry

The bill requires the CSWMFT Board to develop and regularly update a registry of certified doulas. The registry must be made available to the public on the Board's website.¹⁰

Ohio Doula Advisory Board

During the period of the four-year Medicaid pilot program described above, the bill establishes within the CSWMFT Board the Ohio Doula Advisory Board.¹¹ Thereafter, the Advisory Board is abolished.¹²

Membership

The Advisory Board is to consist of 13 to 15 members appointed by the CSWMFT Board, including at least one representative from Birthing Beautiful Communities and one representative from Restoring Our Own Through Transformation. The overall membership of the Advisory Board is to be as follows:

- Up to 20% community representation from communities most impacted by negative maternal and infant health;
- Up to 40% doula representation;
- Up to 40% representation from public health officials, physicians, nurses, and social workers;
- Up to 10% representation from consumers.¹³

In appointing members, the CSWMFT Board must make a good faith effort to select members who represent counties with higher rates of infant and maternal mortality. Priority must be given to individuals with direct service experience providing care to infants and pregnant and postpartum women.¹⁴

¹⁰ R.C. 4757.50(D).

¹¹ R.C. 4757.501(A).

¹² Section 2.

¹³ R.C. 4757.501(B)(1).

¹⁴ R.C. 4757.501(B)(2).

Terms and compensation

Of the initial appointments to the Advisory Board, half will be terms of one year and half will be terms of two years. Thereafter, all terms are two years. Members do not receive compensation for, and are not paid any expenses incurred pursuant to, fulfilling duties.¹⁵

Meetings

The Advisory Board must meet at the call of the Board's chairperson, as often as the chair determines necessary for timely completion of the Board's duties. The CSWMFT Board is required to provide meeting space, staff, and other technical assistance.¹⁶

Duties

The Advisory Board is required to:

1. Provide general advice, guidance, and recommendations to the CSWMFT Board regarding doula certification and related rules.
2. Provide general advice, guidance, and recommendations to the Department of Medicaid regarding its pilot program to cover doula services and related rules.¹⁷

HISTORY

Action	Date
Introduced	06-23-20
Reported, S. Health, Human Services & Medicaid	09-23-20
Passed Senate (32-1)	09-23-20

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¹⁵ R.C. 4757.051(D) and (E).

¹⁶ R.C. 4757.051(F) and (G).

¹⁷ R.C. 4757.501(H).