

As Introduced

135th General Assembly

Regular Session

2023-2024

S. B. No. 93

Senators Reynolds, Hicks-Hudson

Cosponsors: Senators Antonio, Sykes, Smith, Ingram, Craig, DeMora

A BILL

To enact sections 4723.89, 4723.90, 5120.658, and
5164.071 of the Revised Code regarding doula
services.

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

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

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

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(1) "Doula" means a trained, nonmedical professional who
advocates for, and provides continuous physical, emotional, and
informational support to, a pregnant woman during any of the
following periods:

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(a) The antepartum period;

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(b) The intrapartum period;

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(c) The postpartum period.

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(2) "Doula certification organization" means organizations
that are recognized, at an international, national, state, or
local level, for training and certifying doulas.

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(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. 17
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(C) The board of nursing shall seek and consider the opinion of the doula advisory board established in section 4723.90 of the Revised Code when an individual is seeking to be eligible for medicaid reimbursement as a certified doula. 21
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(D) The board of nursing 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: 25
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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; 29
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(2) Requirements for renewal of a certificate and continuing education; 34
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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; 36
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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; 39
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(5) Requirements and standards of practice for certified doulas; 42
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(6) The amount of a fine to be imposed under division (F) 44

of this section; 45

(7) Any other standards or procedures the board considers 46
necessary to implement this section. 47

(E) The board of nursing shall develop and regularly 48
update a registry of doulas who hold certificates issued under 49
this section. The registry shall be made available to the public 50
on a web site maintained by the board. 51

(F) In an adjudication under Chapter 119. of the Revised 52
Code, the board of nursing may impose a fine against any person 53
who violates division (B) of this section. On request of the 54
board, the attorney general shall bring and prosecute to 55
judgment a civil action to collect any fine imposed under this 56
division that remains unpaid. 57

Sec. 4723.90. (A) There is hereby established within the 58
board of nursing the doula advisory board. 59

(B) (1) The advisory board shall consist of the following 60
sixteen members: 61

(a) The following members appointed by the board of 62
nursing: 63

(i) Three members representing communities most impacted 64
by negative maternal and infant health outcomes; 65

(ii) Five members who are doulas with current, valid 66
certification from a doula certification organization; 67

(iii) Two members who are public health officials, 68
physicians, nurses, or social workers; 69

(iv) Two members who are consumers; 70

(v) Two members representing a doula certification program 71

or organization established in Ohio. 72

(b) One member representing the commission on minority 73
health appointed by the executive director of the commission on 74
minority health; 75

(c) One member representing the department of health 76
appointed by the director of health. 77

(2) Both of the following apply to the board of nursing in 78
appointing members to the advisory board: 79

(a) A good faith effort shall be made to select members 80
who represent counties with higher rates of infant and maternal 81
mortality, particularly those counties with the largest 82
disparities. 83

(b) Priority shall be given to individuals with direct 84
service experience providing care to infants and pregnant and 85
postpartum women. 86

(C) The advisory board, by a majority vote of a quorum of 87
its members, shall select an individual to serve as its 88
chairperson. The advisory board may replace a chairperson in the 89
same manner. 90

(D) Of the initial appointments to the advisory board made 91
pursuant to divisions (B) (1) (a) and (b) of this section, half 92
shall be appointed to a term of one year and half shall be 93
appointed to a term of two years. Thereafter, all terms shall be 94
two years. 95

(E) The board of nursing, the executive director of the 96
commission on minority health, and the director of health shall 97
fill a vacancy as soon as practicable. 98

Members may be reappointed for an unlimited number of 99

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| <u>terms.</u> | 100 |
| <u>(F) The advisory board shall meet at the call of the</u> | 101 |
| <u>advisory board's chairperson as often as the chairperson</u> | 102 |
| <u>determines necessary for timely completion of the board's duties</u> | 103 |
| <u>as described in this section.</u> | 104 |
| <u>(G) The board of nursing shall provide meeting space,</u> | 105 |
| <u>virtual meeting technology, staff services, and other technical</u> | 106 |
| <u>assistance required by the advisory board in carrying out its</u> | 107 |
| <u>duties.</u> | 108 |
| <u>(H) The advisory board shall do all of the following:</u> | 109 |
| <u>(1) Provide general advice, guidance, and recommendations</u> | 110 |
| <u>to the board of nursing regarding doula certification and the</u> | 111 |
| <u>adoption of rules under divisions (C) (3) and (5) of section</u> | 112 |
| <u>4723.89 of the Revised Code;</u> | 113 |
| <u>(2) Advise the board of nursing regarding individuals</u> | 114 |
| <u>seeking to be eligible for medicaid reimbursement as certified</u> | 115 |
| <u>doulas;</u> | 116 |
| <u>(3) Provide general advice, guidance, and recommendations</u> | 117 |
| <u>to the department of medicaid regarding the program operated</u> | 118 |
| <u>under section 5164.071 of the Revised Code;</u> | 119 |
| <u>(4) Make recommendations to the medicaid director</u> | 120 |
| <u>regarding the adoption of rules for purposes of section 5164.071</u> | 121 |
| <u>of the Revised Code.</u> | 122 |
| <u>Sec. 5120.658. (A) As used in this section, "doula" has</u> | 123 |
| <u>the same meaning as in section 4723.89 of the Revised Code.</u> | 124 |
| <u>(B) Beginning one year after the effective date of this</u> | 125 |
| <u>section, the department of rehabilitation and correction shall</u> | 126 |
| <u>operate a program to provide to inmates participating in any</u> | 127 |

prison nursery program established under section 5120.65 of the 128
Revised Code doula services that are provided by a doula 129
certified under section 4723.89 of the Revised Code. 130

(C) The department may adopt rules in accordance with 131
Chapter 119. of the Revised Code to implement this section. 132

Sec. 5164.071. (A) As used in this section, "doula" has 133
the same meaning as in section 4723.89 of the Revised Code. 134

(B) Beginning one year after the effective date of this 135
section, the medicaid program shall operate a program to cover 136
doula services that are provided by a doula if the doula has a 137
valid provider agreement and is certified under section 4723.89 138
of the Revised Code. Medicaid payments for doula services shall 139
be determined on the basis of each pregnancy, regardless of 140
whether multiple births occur as a result of that pregnancy. 141

(C) Outcome measurements and incentives for the program 142
shall be consistent with this state's medicare-medicaid plan 143
quality withhold methodology and benchmarks. The medicaid 144
director shall complete an annual report regarding the program 145
outcomes, including related to maternal health and morbidity and 146
an estimated fiscal impact. The director shall provide a copy of 147
the annual report to the joint medicaid oversight committee. 148

(D) The medicaid director shall adopt rules under section 149
5164.02 of the Revised Code to implement this section. 150