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Office of Research
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Legislative Budget
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S.B. 93
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Sens. Reynolds and Hicks-Hudson

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SUMMARY

- Establishes programs in the Medicaid Program and Department of Rehabilitation and Correction for the coverage or provision of doula services.
- Requires each doula participating in either program to hold a certificate issued by the Ohio Board of Nursing and each doula participating in the Medicaid Program to have a valid provider agreement.
- Requires the Nursing Board to establish a registry of certified doulas.
- Establishes the Doula Advisory Board within the Nursing Board.

DETAILED ANALYSIS

S.B. 93 establishes two programs relating to the provision and coverage of doula services and requires each doula participating in one of those programs to hold a certificate issued by the Ohio Board of Nursing.¹ As defined under the bill, a doula is a trained, nonmedical professional who advocates for, and provides continuous physical, emotional, and informational support to, a pregnant woman during the antepartum, intrapartum, or postpartum periods.²

Doula program – Medicaid

The bill requires the Medicaid Program to operate a program to cover doula services.³ The program is to begin one year after the bill's effective date. The doula services must be

¹ R.C. 4723.89, 4723.90, 5120.658, and 5164.071.

² R.C. 4723.89(A)(1).

³ R.C. 5164.071.

provided by a doula who has a valid Medicaid provider agreement and holds a certificate issued by the Nursing Board (discussed in greater detail below).

Medicaid payments

Under the program, Medicaid payments for doula services are to be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy.⁴

Annual reports

The bill establishes several reporting requirements related to the Medicaid Program, including the following:⁵

- Outcome measurements and incentives for the program must be consistent with the state’s Medicare-Medicaid Plan Quality Withhold methodology and benchmarks;
- The Medicaid Director must complete an annual report regarding program outcomes, including those related to maternal health and morbidity and estimated fiscal impacts;
- The Medicaid Director must provide a copy of the annual report to the Joint Medicaid Oversight Committee.

Rulemaking

The Medicaid Director is required by the bill to adopt rules implementing the bill’s provisions.⁶

Doula program – Department of Rehabilitation and Correction

Under the bill, the Department of Rehabilitation and Correction is to operate a program providing doula services to inmates participating in any prison nursery program. The doula services must be rendered by a doula holding a certificate issued by the Nursing Board. The Department may adopt rules – in accordance with the Administrative Procedure Act – implementing the bill’s provisions.⁷

Ohio Board of Nursing certification

In order to be eligible to participate in a program established by the bill, a doula must hold a certificate issued by the Nursing Board. Accordingly, the bill provides for the certification and regulation of doulas in Ohio by the Nursing Board. The Nursing Board is required to seek and consider the opinion of the Doula Advisory Board (see “**Doula Advisory Board**”

⁴ R.C. 5164.071(B).

⁵ R.C. 5164.071(C).

⁶ R.C. 5164.071(D).

⁷ R.C. 5120.658.

below) when an individual is seeking to be eligible for Medicaid reimbursement as a certified doula.⁸

Use of doula title

Beginning one year after the bill's effective date, the bill prohibits a person from using or assuming the title "certified doula" unless the person holds a certificate issued by the Nursing Board. In the case of a violation, the bill authorizes the Board to impose a fine, to be set in rules, on such a person, following an adjudication held in accordance with the Administrative Procedure Act. It also requires the Attorney General, on the Board's request, to bring and prosecute to judgment a civil action to collect any fine imposed that remains unpaid.⁹

Certificate issuance

S.B. 93 requires the Nursing Board to adopt rules, in accordance with the Administrative Procedure Act, establishing standards and procedures for issuing certificates to doulas. The rules must include all of the following:¹⁰

- 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 that the Board considers appropriate;
- Requirements for renewal of a certificate and continuing education;
- Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and renewal;
- Certificate application and renewal fees, as well as a waiver of fees for applicants with a family income not exceeding 300% of the federal poverty line;
- Requirements and standards of practice for certified doulas;
- The amount of a fine to be imposed for using or assuming the title "certified doula" without holding a Board-issued certificate;
- Any other standards and procedures the Board considers necessary to implement the bill's provisions.

For purposes of the certification requirement described above, a doula certification organization is an organization that is recognized, at an international, national, state, or local level, for training and certifying doulas.¹¹

⁸ R.C. 4723.89.

⁹ R.C. 4723.89(B) and (F).

¹⁰ R.C. 4723.89(D).

¹¹ R.C. 4723.89(A)(2).

Doula registry

Under the bill, the Nursing Board must develop and regularly update a registry of doulas holding Board-issued certificates. The bill also requires the Board to make the registry available to the public on its website.¹²

Doula Advisory Board

The bill creates a Doula Advisory Board within the Nursing Board.¹³

Membership

The Advisory Board consists of 16 members. The Nursing Board must appoint the following 14 members:

- Three members representing communities most impacted by negative maternal and fetal health outcomes;
- Five members who are doulas with current, valid certification from a doula certification organization;
- Two members who are public health officials, physicians, nurses, or social workers;
- Two members who are consumers;
- Two members representing a doula certification program or organization established in Ohio.

Additionally, the Executive Director of the Commission on Minority Health and the Director of Health must each appoint one member representing their respective agencies.¹⁴

When appointing members to the Advisory Board, the Nursing Board must make a good faith effort to select members who represent counties with higher rates of infant and maternal mortality, in particular those counties with the largest disparities. The Nursing Board also must give priority to individuals with direct service experience providing care to infants and pregnant and postpartum women.¹⁵

Terms of membership and vacancies

Of the initial appointments made by the Nursing Board, half are to be appointed to one-year terms and half appointed to two-year terms. Thereafter, all terms are for two years. The bill requires the Nursing Board, the Executive Director of the Commission on Minority Health,

¹² R.C. 4723.89(E).

¹³ R.C. 4723.90.

¹⁴ R.C. 4723.90(B)(1).

¹⁵ R.C. 4723.90(B)(2).

and the Director of Health to fill any vacancy as soon as practicable. Members may be reappointed for an unlimited number of terms.¹⁶

Chairperson, meetings, and reimbursements

By a majority vote of a quorum of its members, the Advisory Board must select, and may replace, a chairperson. The Advisory Board is required by the bill to meet at the call of the chairperson as often as he or she determines is necessary for timely completion of Advisory Board duties.¹⁷

The Nursing Board is responsible for providing meeting space, virtual meeting technology, staff services, and other technical assistance to the Advisory Board.¹⁸

Advisory Board duties

The bill requires the Advisory Board to do all of the following:¹⁹

- Provide general advice, guidance, and recommendations to the Nursing Board regarding doula certification and the adoption of certain rules;
- Advise the Nursing Board regarding individuals seeking to be eligible for Medicaid reimbursement as certified doulas;
- Provide general advice, guidance, and recommendations to the Department of Medicaid regarding its doula program;
- Make recommendations to the Medicaid Director regarding the adoption of rules governing its program.

HISTORY

Action	Date
Introduced	03-23-23

ANSB0093IN-135/ts

¹⁶ R.C. 4723.90(D) and (E).

¹⁷ R.C. 4723.90(C) and (F).

¹⁸ R.C. 4723.90(G).

¹⁹ R.C. 4723.90(H).