

**As Passed by the House**

**134th General Assembly**

**Regular Session**

**2021-2022**

**Sub. 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, Addison, Blackshear, Davis, Denson, Fowler Arthur, Humphrey, Ingram, Leland, Lepore-Hagan, Miranda, Robinson, Sheehy, Smith, K., Sobeki, Sweeney, Upchurch, White, Young, B.**

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**A BILL**

To enact sections 4723.89, 4723.90, 5120.658, and 5164.071 of the Revised Code regarding doula services and to repeal sections 4723.89, 4723.90, 5120.658, and 5164.071 of the Revised Code five years after those sections take effect, to abolish those provisions on that date.

**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:

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

(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:

<u>(a) The antepartum period;</u>	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 one year after the</u>	36
<u>effective date of this section, a person shall not use or assume</u>	37
<u>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

119. of the Revised Code establishing standards and procedures 41  
for issuing certificates to doulas under this section. The rules 42  
shall include all of the following: 43

(1) Requirements for certification as a doula, including a 44  
requirement that a doula either be certified by a doula 45  
certification organization or, if not certified, have education 46  
and experience considered by the board to be appropriate, as 47  
specified in the rules; 48

(2) Requirements for renewal of a certificate and 49  
continuing education; 50

(3) Requirements for training on racial bias, health 51  
disparities, and cultural competency as a condition of initial 52  
certification and certificate renewal; 53

(4) Certificate application and renewal fees, as well as a 54  
waiver of those fees for applicants with a family income not 55  
exceeding three hundred per cent of the federal poverty line; 56

(5) Requirements and standards of practice for certified 57  
doulas; 58

(6) The amount of a fine to be imposed under division (E) 59  
of this section; 60

(7) Any other standards or procedures the board considers 61  
necessary to implement this section. 62

(D) The board shall develop and regularly update a 63  
registry of doulas who hold certificates issued under this 64  
section. The registry shall be made available to the public on a 65  
web site maintained by the board. 66

(E) In an adjudication under Chapter 119. of the Revised 67  
Code, the board may impose a fine against any person who 68

violates division (B) of this section. On request of the board, 69  
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 program operated 73  
under section 5164.071 of the Revised Code, there is hereby 74  
established within the board of nursing the doula advisory 75  
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 program operated 126  
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 one year after the 133  
effective date of this section and ending five years after the 134  
effective date of this section, the department of rehabilitation 135  
and correction shall operate a program to provide to inmates 136  
participating in any prison nursery program established under 137  
section 5120.65 of the Revised Code doula services that are 138  
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 one year after the 145  
effective date of this section and ending five years after the 146  
effective date of this section, the medicaid program shall 147  
operate a program to cover doula services that are provided by a 148  
doula if the doula has a valid provider agreement and is 149  
certified under section 4723.89 of the Revised Code. Medicaid 150  
payments for doula services shall be determined on the basis of 151  
each pregnancy, regardless of whether multiple births occur as a 152  
result of that pregnancy. 153

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

(D) The medicaid director shall adopt rules under section 163  
5164.02 of the Revised Code to implement this section. 164

**Section 2.** That sections 4723.89, 4723.90, 5120.658, and 165  
5164.071 of the Revised Code are hereby repealed, effective five 166  
years after the effective date of this section. 167