



Senate

General Assembly

File No. 603

January Session, 2019

Substitute Senate Bill No. 1078

Senate, April 10, 2019

The Committee on Human Services reported through SEN. MOORE, M. of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING DOULA CERTIFICATION AND MEDICAID REIMBURSEMENT FOR DOULA SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2019*) For purposes of this
2 section, sections 2 to 5, inclusive, and sections 7 and 8 of this act, (1)
3 "antepartum" means the period of pregnancy before labor and
4 childbirth; (2) "state-certified doula" means a trained, nonmedical
5 professional certified by the Commissioner of Public Health to provide
6 continuous physical, emotional and informational support to a
7 pregnant person during the antepartum and intrapartum periods and
8 up to the first six weeks of the postpartum period; (3) "certified doula
9 services" mean services that include, but are not limited to, (A)
10 communications between a state-certified doula and a pregnant
11 person, (B) time spent being on call for a birth, (C) prenatal and
12 postpartum visits, and (D) time spent on administrative tasks, such as
13 (i) documentation or paperwork, and (ii) referrals to (I) community-
14 based organizations offering culturally competent social, emotional or
15 other support, or (II) certified or licensed perinatal professionals
16 practicing in multiple disciplines; (4) "competencies" means key skills
17 and applied knowledge necessary for doulas to be effective; (5)

18 "contact hour" means a minimum of fifty minutes of classroom, group
19 or distance learning and training, but not homework, preparatory or
20 reading time; (6) "culturally competent" means having an ability to
21 interact effectively and respectfully with persons of different cultures;
22 (7) "intrapartum" means the period of pregnancy during labor and
23 delivery and childbirth; (8) "perinatal" means the antepartum,
24 intrapartum and postpartum periods of a pregnancy; (9) "postpartum"
25 means the period following childbirth; and (10) "registry" means the
26 Registry of State Certified Doulas kept by the Commissioner of Public
27 Health pursuant to section 7 of this act.

28 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) The Commissioner of
29 Public Health may, upon receipt of an application on a form prescribed
30 by the commissioner and a fee of one hundred seventy-five dollars,
31 issue a certificate designating the holder a state-certified doula to any
32 person who presents evidence satisfactory to the commissioner that he
33 or she has achieved competencies in providing doula services by
34 completing the following requirements: (1) At least twenty-four
35 contact hours of education that includes any combination of childbirth
36 education, intrapartum doula training, antepartum doula training and
37 postpartum doula training; (2) attendance at a minimum of (A) one
38 breastfeeding class or valid certification as a lactation counselor, (B)
39 one childbirth class, and (C) two births; (3) completion of cultural
40 competency training; (4) completion of training in client confidentiality
41 laws and regulations, including, but not limited to, the Health
42 Insurance Portability and Accountability Act of 1996, P.L. 104-91, as
43 amended from time to time; (5) completion of cardiopulmonary
44 resuscitation training; and (6) certification in safe meal preparation.

45 (b) The commissioner may accept as satisfactory evidence of
46 completion of the requirements prescribed in subsection (a) of this
47 section: (1) A letter signed by an authorized representative of a state,
48 national or international doula certification organization on the
49 organization's letterhead that states the applicant has completed the
50 requirements, or (2) a signed and dated attestation from the applicant
51 that the applicant has completed the requirements, stating where and

52 when such requirements were completed.

53 (c) No certificate shall be issued under this section to any applicant
54 against whom a professional disciplinary action related to such
55 person's doula services is pending or who is the subject of an
56 unresolved professional complaint relating to such services.

57 (d) Certificates issued under this section shall be renewed every two
58 years, subject to the provisions of section 19a-88 of the general statutes,
59 upon payment of a renewal fee of one hundred dollars.

60 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) The Commissioner of
61 Public Health may, upon receipt of an application and fee of one
62 hundred seventy-five dollars, issue a certificate, designating the holder
63 a state-certified doula, to any person who presents proof of current
64 licensure or certification as a doula in another state, the District of
65 Columbia or territory of the United States that maintains standards for
66 certification determined by the commissioner to be equal to or higher
67 than those of this state. No certificate shall be issued under this section
68 to any applicant against whom professional disciplinary action is
69 pending or who is the subject of an unresolved complaint related to
70 such person's doula services.

71 (b) Certificates issued under this section shall be renewed every two
72 years, subject to the provisions of section 19a-88 of the general statutes,
73 upon payment of a renewal fee of one hundred dollars.

74 Sec. 4. (NEW) (*Effective October 1, 2019*) The Commissioner of Public
75 Health may take any disciplinary action set forth in section 19a-17 of
76 the general statutes against a state-certified doula, or exclude such
77 doula from the registry established pursuant to section 7 of this act, for
78 any of the following reasons: (1) Conviction of a felony committed in
79 the course of performing doula services; (2) fraud or deceit in
80 obtaining or seeking reinstatement of certification; (3) fraud or deceit
81 in the performance of doula services; (4) negligent, incompetent or
82 wrongful conduct in the performance of doula services; (5) physical,
83 mental or emotional illness or disorder resulting in an inability to

84 competently perform doula services; (6) alcohol or substance abuse
85 affecting ability to competently perform doula services; (7) wilful
86 falsification of entries in any record pertaining to doula services; or (8)
87 violation of any provision of subsection (c) of section 19a-14 of the
88 general statutes, as amended by this act. The commissioner may order
89 a certificate holder to submit to a reasonable physical or mental
90 examination if the physical or mental capacity of the certificate holder
91 to perform doula services safely is the subject of an investigation. The
92 commissioner may petition the superior court for the judicial district of
93 Hartford to enforce such order or any action taken pursuant to section
94 19a-17 of the general statutes. The commissioner shall give notice and
95 an opportunity to be heard on any contemplated action under said
96 section.

97 Sec. 5. (NEW) (*Effective October 1, 2019*) No person who is not
98 certified by the Commissioner of Public Health as a state-certified
99 doula shall represent that such person is so certified, or use in
100 connection with such person's name, the term "Connecticut Certified
101 Doula", or any other letters, words or insignia indicating or implying
102 such certification. Any person who violates the provisions of this
103 section or who obtains or attempts to obtain such certification by any
104 wilful misrepresentation or any fraudulent representation shall be
105 guilty of a class D felony. Failure to renew a state certificate in a timely
106 manner shall not constitute a violation for the purposes of this section.

107 Sec. 6. Subsection (c) of section 19a-14 of the general statutes is
108 repealed and the following is substituted in lieu thereof (*Effective*
109 *October 1, 2019*):

110 (c) No board shall exist for the following professions that are
111 licensed or otherwise regulated by the Department of Public Health:

112 (1) Speech and language pathologist and audiologist;

113 (2) Hearing instrument specialist;

114 (3) Nursing home administrator;

- 115 (4) Sanitarian;
- 116 (5) Subsurface sewage system installer or cleaner;
- 117 (6) Marital and family therapist;
- 118 (7) Nurse-midwife;
- 119 (8) Licensed clinical social worker;
- 120 (9) Respiratory care practitioner;
- 121 (10) Asbestos contractor, asbestos consultant and asbestos training
122 provider;
- 123 (11) Massage therapist;
- 124 (12) Registered nurse's aide;
- 125 (13) Radiographer;
- 126 (14) Dental hygienist;
- 127 (15) Dietitian-Nutritionist;
- 128 (16) Asbestos abatement worker;
- 129 (17) Asbestos abatement site supervisor;
- 130 (18) Licensed or certified alcohol and drug counselor;
- 131 (19) Professional counselor;
- 132 (20) Acupuncturist;
- 133 (21) Occupational therapist and occupational therapist assistant;
- 134 (22) Lead abatement contractor, lead consultant contractor, lead
135 consultant, lead abatement supervisor, lead abatement worker, lead
136 training provider, lead inspector, lead inspector risk assessor and lead
137 planner-project designer;

138 (23) Emergency medical technician, advanced emergency medical
139 technician, emergency medical responder and emergency medical
140 services instructor;

141 (24) Paramedic;

142 (25) Athletic trainer;

143 (26) Perfusionist;

144 (27) Master social worker subject to the provisions of section 20-
145 195v;

146 (28) Radiologist assistant, subject to the provisions of section 20-74tt;

147 (29) Homeopathic physician;

148 (30) Certified water treatment plant operator, certified distribution
149 system operator, certified small water system operator, certified
150 backflow prevention device tester and certified cross connection
151 survey inspector, including certified limited operators, certified
152 conditional operators and certified operators in training;

153 (31) Tattoo technician;

154 (32) Genetic counselor; [and]

155 (33) Behavior analyst; [.] and

156 (34) Doula.

157 The department shall assume all powers and duties normally vested
158 with a board in administering regulatory jurisdiction over such
159 professions. The uniform provisions of this chapter and chapters 368v,
160 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
161 and 400c, including, but not limited to, standards for entry and
162 renewal; grounds for professional discipline; receiving and processing
163 complaints; and disciplinary sanctions, shall apply, except as otherwise
164 provided by law, to the professions listed in this subsection.

165 Sec. 7. (NEW) (*Effective October 1, 2019*) (a) The Commissioner of
166 Public Health shall establish a publicly accessible Registry of State
167 Certified Doulas who: (1) Are at least eighteen years of age, (2) are not
168 excluded from the registry pursuant to section 4 of this act, (3) provide
169 two positive client references of quality job performance, and (4)
170 maintain professional liability insurance either individually or through
171 a collaborative, association or business of doulas.

172 (b) The commissioner shall include in the registry the name, contact
173 information and educational background of each state-certified doula,
174 provided the commissioner shall remove the name of a state-certified
175 doula upon written request of such doula. The commissioner shall
176 include a publicly accessible link to the Registry of State Certified
177 Doulas on the Internet web site of the Department of Public Health.

178 Sec. 8. (NEW) (*Effective October 1, 2019*) (a) The Commissioner of
179 Social Services shall amend the Medicaid state plan to provide
180 reimbursement for state-certified doulas who provide Medicaid-
181 eligible services to pregnant Medicaid beneficiaries.

182 (b) A state-certified doula shall meet the following requirements to
183 be reimbursed under the Medicaid program: (1) Have a national
184 provider identification number, (2) complete all required Medicaid
185 provider enrollment forms, (3) provide a copy of state doula
186 certification to the commissioner, and (4) perform Medicaid-eligible
187 services.

188 (c) State-certified doula services shall be billed on a fee-for-service
189 basis per pregnancy for Medicaid-eligible services, regardless of the
190 number of infants born, and the fee for all doula services performed
191 during such pregnancy shall not be less than nine hundred dollars or
192 exceed fifteen hundred dollars. For purposes of this section, Medicaid-
193 eligible services include, but need not be limited to: (1) Prenatal visits,
194 (2) physical and emotional support, (3) telephone or virtual
195 communications between the state-certified doula and the Medicaid
196 beneficiary, (4) time spent being on call for the birth, (5) time spent
197 providing a Medicaid beneficiary services and support during a birth,

198 (6) postpartum visits, and (7) time spent on administrative tasks, such
199 as documentation or paperwork.

200 (d) Not later than January 15, 2021, the commissioner shall report, in
201 accordance with section 11-4a of the general statutes, to the joint
202 standing committees of the General Assembly having cognizance of
203 matters relating to children, human services and public health on (1)
204 the number of pregnant Medicaid beneficiaries served by state-
205 certified doulas, and (2) impact of state-certified doula services on
206 birth outcomes, including, but not limited to, any reduction in (A)
207 caesarean sections, (B) infants born prematurely, (C) infants of low
208 birth weight, (D) infant mortality rates, and (E) mortality rates of
209 Medicaid beneficiaries receiving doula services.

210 (e) The commissioner may adopt regulations in accordance with
211 chapter 54 of the general statutes to implement the provisions of this
212 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	New section
Sec. 2	October 1, 2019	New section
Sec. 3	October 1, 2019	New section
Sec. 4	October 1, 2019	New section
Sec. 5	October 1, 2019	New section
Sec. 6	October 1, 2019	19a-14(c)
Sec. 7	October 1, 2019	New section
Sec. 8	October 1, 2019	New section

Statement of Legislative Commissioners:

In Section 1(6), "having" was inserted after "means" for clarity and in Section 7, Subdiv. (4) was deleted as redundant and Subdiv. (5) was redesignated as Subdiv. (4).

HS Joint Favorable Subst. -LCO

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Social Services, Dept.	GF - Cost	45,000-75,000	54,000-90,000
Resources of the General Fund	GF - Revenue Gain	17,500	3,500

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which authorizes the Department of Public Health (DPH) to certify and regulate doulas, is anticipated to result in a General Fund (GF) revenue gain of approximately \$17,500 in FY 20 and \$3,500 in FY 21. This GF revenue is generated from the initial certification of 100 doulas in FY 20 and 20 in FY 21. The fee to apply for certification is \$175, and certificates must be renewed every two years for a fee of \$100. It is anticipated that DPH can accommodate certification and regulation with existing expertise.

The bill also requires the Department of Social Services (DSS) to provide Medicaid fee-for-service reimbursement for state-certified doulas who provide eligible services to Medicaid beneficiaries. The bill requires the total fees paid to a doula during a beneficiary's pregnancy be from \$900 to \$1,500. Additional costs could be incurred for post-partum services. While the average monthly caseload for pregnant women enrolled in Medicaid is approximately 8,700 in FY 19, the number of women who actually access doula services will be subject to the availability of state-certified doulas. Based on DPH estimates for

new certifications, DSS could incur costs of approximately \$45,000-\$75,000 in FY 20 and \$54,000 to \$90,000 in FY 21 associated with doula services provided during pregnancy. Additional costs for post-partum services could be incurred, which are dependent on the rates established.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of individuals certified as doulas, utilization under Medicaid and associated rates.

OLR Bill Analysis

SB 1078

AN ACT CONCERNING DOULA CERTIFICATION AND MEDICAID REIMBURSEMENT FOR DOULA SERVICES.

SUMMARY

This bill (1) authorizes the Department of Public Health (DPH) to regulate and certify doulas and (2) requires the Department of Social Services (DSS) to provide Medicaid reimbursement for state-certified doulas who provide Medicaid-eligible services to pregnant Medicaid beneficiaries. The bill establishes rates and a payment methodology for doula services considered Medicaid-eligible under the bill and criteria providers must meet to be reimbursed by Medicaid. The bill requires the fee for all doula services performed during a pregnancy to be at least \$900 and up to \$1,500.

The bill extends DPH's regulatory jurisdiction to doulas, thereby applying provisions related to certificates and disciplinary action to doulas. It creates a certification process authorizing DPH, upon receipt of an application and a \$175 fee, to issue certificates designating the holder a state-certified doula, provided the applicant meets certain education and training requirements the bill establishes.

The bill also requires DPH to establish a publicly accessible "Registry of State-Certified Doulas" and link to the registry on its website.

Lastly, the bill requires the Department of Social Services to report by January 15, 2021, to the Children's, Human Services, and Public Health committees the number of pregnant Medicaid beneficiaries served by state-certified doulas and the impact of state-certified doula services on birth outcomes.

EFFECTIVE DATE: October 1, 2019

§ 1 — STATE CERTIFIED DOULA DEFINITIONS

Under the bill, a state-certified doula is a trained, nonmedical professional certified by DPH to provide continuous physical, emotional, and informational support to a pregnant person:

1. throughout her pregnancy, including the period of pregnancy (a) before labor and childbirth (antepartum) and (b) during labor, delivery, and childbirth (intrapartum) and
2. after her pregnancy, for up to six weeks during the postpartum period.

Under the bill, certified doula services include:

1. communication between the doula and the pregnant person;
2. time spent being on call for a birth;
3. prenatal and postpartum visits; and
4. time spent on administrative tasks, including documentation and paperwork, and referrals to (a) community based organizations offering culturally competent social, emotional, or other support, or (b) certified or licensed perinatal professionals.

§§ 1-6 — DPH REGULATION OF DOULAS

The bill extends DPH's regulatory jurisdiction to doulas and creates a certification process. In doing so, it applies existing provisions related to certificate renewal and disciplinary actions, among other things.

Doula Certification Requirements (§§ 1-3)

The bill authorizes DPH, upon receipt of an application and a \$175 fee, to issue a certificate designating the holder a state-certified doula, provided the applicant presents (1) satisfactory evidence that he or she has achieved key skills and applied knowledge (i.e., competencies, see below) needed to effectively provide doula services or (2) proof of current licensure or certification as a doula in another state, the District

of Columbia, or territory of the United States that maintains standards determined by DPH to equal or exceed the standards described below.

Under the bill, achieving competencies in providing doula services means meeting the following requirements:

1. attend at least (a) one childbirth class and (b) one breastfeeding class or have valid certification as a lactation counselor;
2. attend at least two births;
3. complete training in client confidentiality laws and regulations (e.g., HIPAA);
4. complete CPR training and cultural competency training;
5. have a certification in safe meal preparation; and
6. at least 24 contact hours of education that includes any combination of childbirth education and intrapartum, antepartum, or postpartum doula training.

Under the bill, a contact hour is at least 50 minutes of classroom, group, or distance learning and training, but not homework, preparatory, or reading time.

The bill allows DPH to accept the following as satisfactory evidence of completing the requirements listed above:

1. a letter signed by an authorized representative of a state, national, or international doula certification organization on its letterhead stating that the applicant has completed the requirements or
2. a signed and dated attestation from the applicant that he or she has completed the requirements, including date and location of completion.

The bill prohibits DPH from issuing certificates to applicants with a

pending professional disciplinary action or an unresolved professional complaint related to their doula services.

The bill requires certificates to be renewed every two years and establishes a \$100 renewal fee. It generally applies to these renewals the law's existing provisions concerning information needed upon renewal, renewal forms, and notice and expiration of certificates that are not renewed.

Cause for Disciplinary Action (§ 4)

Existing law allows DPH to take certain disciplinary actions against license or certificate holders under its jurisdiction based on their conduct before or after certification. Disciplinary actions include revoking or suspending certification and assessing a penalty of up to \$25,000 (see BACKGROUND).

The bill allows DPH to take such actions against a state-certified doula for any of the following reasons:

1. conviction of a felony committed when performing doula services;
2. fraud or deceit in (a) performing doula services or (b) obtaining or seeking certification reinstatement;
3. negligent, incompetent, or wrongful conduct in performing doula services;
4. physical, mental, or emotional illness or disorder resulting in an inability to competently perform doula services;
5. alcohol or substance abuse affecting ability to perform doula services;
6. willful falsification of entries in any record related to doula services; and
7. other grounds for professional discipline established in existing

law for professions DPH regulates.

The bill allows the DPH commissioner to order a certificate holder to submit to a reasonable physical or mental examination when investigating his or her physical or mental capacity to perform doula services safely. It also authorizes the commissioner to petition Hartford Superior Court to enforce any disciplinary actions or orders to submit to a physical or mental examination. The bill requires him to give notice and an opportunity to be heard on any contemplated disciplinary action.

Misrepresentation and Fraud (§ 5)

The bill prohibits anyone who is not a state-certified doula from using letters, words, or insignia indicating or implying that they are certified, including the term “Connecticut Certified Doula” in connection with their name. Under the bill, doing so is a class D felony, as is obtaining or attempting to obtain certification by willful misrepresentation or fraudulent representation. Class D felonies are punishable by up to five years in prison, a fine of up to \$5,000, or both.

Under the bill, failure to renew a state certificate in a timely manner is not willful misrepresentation or fraud for purposes of this provision.

§ 7 — DOULA REGISTRY

The bill requires the DPH commissioner to establish a publicly accessible Registry of State Certified Doulas who meet the following requirements:

1. are at least 18 years old;
2. have not been excluded by DPH as part of a disciplinary action;
3. provide two positive client references of quality job performance;
4. achieve and maintain DPH certification; and
5. maintain professional liability insurance.

The bill requires the DPH commissioner to post a publicly accessible link to the registry on the DPH website. The bill requires him to remove any doula's name at his or her request, but otherwise requires the registry to include the name, contact information, and educational background of each state-certified doula.

§ 8 — MEDICAID COVERAGE OF DOULA SERVICES

Covered Services and Reimbursement Requirements

The bill requires the DSS commissioner to amend the state Medicaid plan to provide reimbursement for state-certified doulas who provide Medicaid eligible services to pregnant Medicaid beneficiaries. The bill allows him to adopt regulations to implement the coverage.

Under the bill, Medicaid eligible services include:

1. prenatal and postpartum visits,
2. physical and emotional support,
3. telephone or virtual communications between the state-certified doula and the Medicaid beneficiary,
4. time spent being on call for the birth,
5. time spent providing a Medicaid beneficiary services and support during a birth, and
6. time spent on administrative tasks (e.g., documentation and paperwork).

In order to receive Medicaid reimbursement, state-certified doulas must:

1. have a national provider identification number,
2. complete all required Medicaid provider enrollment forms,
3. provide a copy of state doula certification to DSS, and

4. perform Medicaid-eligible services listed above.

Payment and Methodology

The bill requires the state's Medicaid program to reimburse state-certified doulas on a fee-for-service basis per pregnancy for Medicaid eligible services, regardless of the number of infants born. The bill requires the fee for all doula services performed during a pregnancy to be at least \$900 and up to \$1,500.

Reporting Requirement

The bill requires the DSS commissioner to report by January 15, 2021, to the Children's, Human Services, and Public Health committees on the following:

1. the number of pregnant Medicaid beneficiaries served by state-certified doulas and
2. the impact of state-certified doula services on birth outcomes, including any reduction in (a) caesarean sections, (b) infants born prematurely, (c) infants with low birth weights, (d) infant mortality rates, and (e) Medicaid beneficiary maternal mortality rates.

BACKGROUND

Disciplinary Actions for Professions Regulated by DPH

By law, upon finding good cause, DPH may take any of the following actions towards professions under its jurisdiction:

1. revoke or suspend a practitioner's certificate;
2. censure a practitioner or issue a letter of reprimand;
3. restrict or otherwise limit a practitioner's practice;
4. place a practitioner on probationary status; or
5. assess a civil penalty of up to \$25,000.

The law also allows DPH to (1) resolve disciplinary actions through voluntary surrender of, or agreement not to renew, a certificate, (2) reinstate certificates in certain circumstances, and (3) take action based on similar disciplinary actions taken in other states and jurisdictions (CGS § 19a-17).

COMMITTEE ACTION

Human Services Committee

Joint Favorable

Yea 18 Nay 1 (03/26/2019)