

---

---

## **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)