SENATE BILL 914

By: Senators Lam, Carter, and Feldman
Introduced and read first time: February 3, 2020
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Doulas – Doula Technical Assistance Advisory Group and Certification

FOR the purpose of establishing the Doula Technical Assistance Advisory Group; providing
for the composition, chair, and staffing of the Advisory Group; requiring the Advisory
Group to make certain determinations related to a vice chair and secretary;
prohibiting a member of the Advisory Group from receiving certain compensation,
but authorizing the reimbursement of certain expenses; authorizing the chair and
vice chair to designate additional members under certain circumstances; requiring
the chair and vice chair to request that the Governor fill vacancies within a certain
time period; providing that a majority of the members serving on the Advisory Group
at the time of a meeting is a quorum; requiring the Advisory Group to provide certain
materials in a certain language; requiring the Advisory Group to provide certain
training and educational opportunities for Advisory Group members; requiring the
Advisory Group to study certain programs, review certain studies and reports, invite
certain stakeholders to meetings, and make certain recommendations; requiring the
Advisory Group to meet on a certain basis; requiring the Advisory Group to submit
an interim and a final report to the Maryland Department of Health and certain
committees of the General Assembly on or before certain dates; requiring the
Department to adopt certain regulations; making certain provisions of this Act
subject to a certain contingency; providing for the termination of certain provisions
of this Act; defining certain terms; and generally relating to doulas.

BY adding to

Article – Health – General
Section 13–4101 to be under the new subtitle “Subtitle 41. Doulas”
Annotated Code of Maryland
(2019 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
THE DEPARTMENT SHALL ADOPT REGULATIONS ESTABLISHING A VOLUNTARY DOULA CERTIFICATION PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) In this section the following words have the meanings indicated.


(3) “Doula” means a birth companion who provides personal and physical nonclinical support to women, or families, throughout the woman’s pregnancy, childbirth, and postpartum experience.

(b) There is a Doula Technical Assistance Advisory Group.

(c) The Advisory Group consists of the following members:

(1) the Secretary of Health, or the Secretary’s designee; and

(2) the following members appointed by the Governor:

(i) five doulas who provide care in different regions of the State, three of whom are affiliated with a community–based doula program;

(ii) one individual with expertise in State–administered insurance programs;

(iii) one researcher studying racial disparities and implicit bias in health care;

(iv) one representative of a nonprofit organization that advocates for children, youth, and families;

(v) one representative of a nonprofit reproductive health advocacy organization;

(vi) one representative of a nonprofit legal services organization that advocates for low–income individuals and families to have access to health care;
(vii) one health care provider who provides care to low-income individuals;

(viii) one nurse midwife licensed in the State;

(ix) one obstetrician–gynecologist licensed in the State; and

(x) one community health worker with experience in perinatal care.

(3) To the extent practicable, the members appointed to the Advisory Group shall reflect the geographic, racial, ethnic, cultural, and gender diversity of the State.

(4) Each member appointed to the Advisory Group shall be a resident of the State.

(d) (1) The Secretary of Health shall designate the chair of the Advisory Group.

(2) The Advisory Group shall determine:

(i) the manner in which a vice chair and secretary will be designated; and

(ii) the duties of the vice chair and secretary.

(3) The chair and vice chair:

(i) may designate additional members to serve on the Advisory Group if considered necessary by the chair and vice chair; and

(ii) shall request the Governor to fill any vacancy within 60 days after the date of the vacancy;

(4) A majority of the members serving on the Advisory Group at the time of a meeting is a quorum.

(5) The Advisory Group shall meet at least two times a year at the times and places determined by the Advisory Group.

(e) (1) The Maryland Department of Health shall provide staff for the Advisory Group.

(2) The Advisory Group shall provide written materials used to conduct the business of the Advisory Group in the preferred language of an Advisory Group member, as necessary.

(3) The Department shall make available to the Advisory Group training
or educational opportunities on the processes used to conduct the business of the Advisory Group.

(f) A member of the Advisory Group:

(1) may not receive compensation as a member of the Advisory Group; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(g) The Advisory Group shall:

(1) study Medicaid programs in other states that reimburse doulas, including the benefit structure, reimbursement and participation rates, the revenue structure, and the effect of the reimbursement on Medicaid fund stability;

(2) review studies and reports on the implementation of programs that reimburse for doula services in Minnesota, Oregon, New York, and any other jurisdiction that the Advisory Group considers appropriate;

(3) review the:

(i) 2018 Routes to Success for Medicaid Coverage of Doula Care report by the National Health Law Program; and

(ii) 2019 and 2020 Maryland Maternal Mortality Review Program reports;

(4) invite stakeholders to meetings and consider public testimony from stakeholders, including:

(i) local health care agencies;

(ii) community organizations; and

(iii) health care professionals; and

(5) make recommendations regarding:

(i) workforce development for doulas;

(ii) whether a voluntary State doula certification program should be established by the Maryland Department of Health and, if so, the training and credentialing that should be required of doulas for certification as nonclinical health care providers;

(iii) reimbursement for doula services by the Maryland Medical
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1 Assistance Program; and

   (iv) expansion of doula care to low-income individuals and families.

2 (h) (1) On or before June 1, 2021, the Advisory Group shall submit an interim
3 report of its findings and recommendations to the Maryland Department of Health and, in
4 accordance with § 2–1257 of the State Government Article, the Senate Education, Health,
5 and Environmental Affairs Committee and the House Health and Government Operations
6 Committee.

7 (2) On or before January 1, 2022, the Advisory Group shall submit a final
8 report of its findings and recommendations to the Maryland Department of Health and, in
9 accordance with § 2–1257 of the State Government Article, the Senate Education, Health,
10 and Environmental Affairs Committee and the House Health and Government Operations
11 Committee.

12 SECTION 3. AND BE IT FURTHER ENACTED, That the regulations adopted by
13 the Maryland Department of Health under § 13–4101 of the Health – General Article, as
14 enacted by Section 1 of this Act, shall be consistent with the recommendations made by the
15 Doula Technical Assistance Advisory Group, established under Section 2 of this Act.

16 SECTION 4. AND BE IT FURTHER ENACTED, That:

17 (a) Sections 1 and 3 of this Act shall take effect contingent on the Doula Technical
18 Assistance Advisory Group, established under Section 2 of this Act, recommending in its
19 final report that the Maryland Department of Health establish a voluntary doula
20 certification program.

21 (b) If the final report of the Doula Technical Assistance Advisory Group does not
22 include a recommendation that the Maryland Department of Health establish a voluntary
23 doula certification program, Sections 1 and 3 of this Act, with no further action required by
24 the General Assembly, shall be null and void.

25 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Section 4 of this
26 Act, this Act shall take effect June 1, 2020. Section 2 of this Act shall remain effective for a
27 period of 2 years and 1 month and, at the end of June 30, 2022, Section 2 of this Act, with
28 no further action required by the General Assembly, shall be abrogated and of no further
29 force and effect.