

1 AN ACT relating to Medicaid coverage for doula services.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section, "doula" means a trained professional who provides
6 physical, emotional, and educational support, but not medical care, to women
7 before, during, and after childbirth.

8 (2) The Department for Medicaid Services and any managed care organization with
9 whom the department contracts for the delivery of Medicaid services shall provide
10 coverage for doula services if the doula has:

11 (a) Applied for and received a national Provider Identification Number from
12 the federal Centers for Medicare and Medicaid Services; and

13 (b) Completed enrollment as a Medicaid provider, as may be required by the
14 Department for Medicaid Services.

15 (3) The Department for Medicaid Services shall:

16 (a) Prior to enrolling doulas as Medicaid providers and in collaboration with
17 the Doula Advisory Council established in Section 2 of this Act, establish
18 training and credentialing requirements for doulas; and

19 (b) Promulgate administrative regulations in accordance with KRS Chapter
20 13A necessary to carry out this section.

21 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 194A IS CREATED TO
22 READ AS FOLLOWS:

23 (1) The Doula Advisory Council is hereby established within the Department for
24 Public Health.

25 (2) The council shall consist of the following twenty (20) members:

26 (a) The commissioner of the Department for Public Health or his or her
27 designee who shall serve as chair of the council;

- 1 (b) The commissioner of the Department for Behavioral Health, Developmental
2 and Intellectual Disabilities or his or her designee;
- 3 (c) The director of the Division of Maternal and Child Health or his or her
4 designee;
- 5 (d) The executive director of the Kentucky Association of Health Plans or his
6 or her designee;
- 7 (e) Eight (8) individuals appointed by the commissioner of the Department for
8 Public Health of which at least one (1) shall be:
- 9 1. A mother who has used doula services for at least two (2) child births;
10 2. A certified nurse midwife;
11 3. A certified professional midwife;
12 4. A representative of the Kentucky Hospital Association selected from a
13 list of three (3) names provided by the Kentucky Hospital Association;
14 5. An obstetrician with demonstrated work-related experience in
15 community, health equity, and training in equitable healthcare
16 practices;
17 6. A representative of a community-based maternal and child health
18 organization; and
19 7. A representative of a local health department working in maternal and
20 child health; and
- 21 (f) Eight (8) individuals who are actively practicing as doulas in the
22 Commonwealth appointed by the commissioner of the Department for
23 Public Health of which:
- 24 1. One (1) shall reside in and represent each of the eight (8) federal
25 Centers for Medicare and Medicaid Services regions in Kentucky; and
26 2. At least one (1) shall be a doula with lactation training.
- 27 (3) Members of the council who are not state employees shall be reimbursed for

1 necessary and actual expenses, including child care.

2 (4) The council shall meet at least quarterly and at other times as it determines may
3 be necessary to perform its duties. A majority of the members shall constitute a
4 quorum for the transaction of the council's business.

5 (5) The duties of the council shall include:

6 (a) Making recommendations to the Department for Medicaid Services for:

7 1. Training, credentialing, and continuing education standards to be
8 required for a doula to be eligible for Medicaid enrollment;

9 2. Standards for recognizing doula training curricula and practical
10 experience that may be sufficient to satisfy training, credentialing, and
11 continuing education requirements; and

12 3. Establishing scope of practice for doulas, including prenatal and
13 postnatal services and labor and delivery support;

14 (b) Conducting a continuous review of doula training programs; and

15 (c) Advising the Department for Public Health on:

16 1. Increasing access to education and resources for pregnant women and
17 their families;

18 2. Improving access to doula services; and

19 3. Furthering interagency efforts to address maternal health disparities.

20 (6) In making recommendations to the Department for Medicaid Services for
21 training and credentialing requirements as required under subsection (5)(a) of
22 this section, the council shall consider both formal training programs and
23 previous experience an individual may have as a doula or in providing doula
24 services.

25 ➔Section 3. If the Cabinet for Health and Family Services or the Department for
26 Medicaid Services determines that a state plan amendment, waiver, or any other form of
27 authorization or approval from any federal agency to implement Section 1 or 2 of this Act

1 is necessary to prevent the loss of federal funds or to comply with federal law, the cabinet
2 or department:

3 (1) Shall, within 90 days after the effective date of this section, request the
4 necessary federal authorization or approval to implement Sections 1 and 2 of this Act;
5 and

6 (2) May only delay implementation of the provisions of Sections 1 and 2 of this
7 Act for which federal authorization or approval was deemed necessary until the federal
8 authorization or approval is granted.

9 ➡Section 4. Sections 1, 2, and 3 of this Act shall constitute the specific
10 authorization required under KRS 205.5372(1).