

FINAL BILL REPORT

ESHB 1881

C 217 L 22
Synopsis as Enacted

Brief Description: Creating a new health profession for birth doulas.

Sponsors: House Committee on Health Care & Wellness (originally sponsored by Representatives Harris-Talley, Entenman, Berry, Johnson, J., Ortiz-Self, Ryu, Simmons, Stonier, Wicks, Senn, Peterson, Chopp, Ormsby, Goodman, Berg, Ramel, Chase, Taylor, Frame, Davis, Macri and Pollet).

House Committee on Health Care & Wellness
Senate Committee on Health & Long Term Care

Background:

Doulas.

A doula is a person who provides support before, during, and after childbirth. Doulas are not a licensed health profession and are therefore not subject to professional discipline under the Uniform Disciplinary Act.

The 2020 Supplemental Omnibus Operating Budget directed the Health Care Authority (HCA) to reimburse for maternity support services provided by doulas. The HCA and the Department of Health (DOH) were also directed to consult with stakeholders to develop methods to secure approval from the Centers for Medicare and Medicaid Services for reimbursement for doulas and provide recommendations to the Legislature. The HCA issued a report in December 2020 outlining their recommendation to create a credential for doulas, to allow for Medicaid reimbursement.

Uniform Disciplinary Act.

The Uniform Disciplinary Act (UDA) governs health professionals credentialed by the DOH or one of the health professions' boards or commissions. Depending on the profession, the disciplining authority may be the Secretary of Health or a board or commission. Under the UDA, a disciplining authority may take action against a license holder for a variety of reasons, including misrepresentation or fraud, unlicensed practice,

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and the mental or physical inability to practice skillfully or safely. A disciplining authority may initiate a disciplinary action after receiving a complaint or if the disciplining authority has reason to believe that the licensee engaged in unprofessional conduct.

Summary:

A new credentialed health profession is created for birth doulas. A birth doula may voluntarily apply for certification from the Department of Health (DOH). The DOH must issue certification to any application that:

- submits a completed application as required by the DOH;
- satisfactorily completes competencies that meet the requirements established by the Secretary of Health (Secretary);
- has not engaged in unprofessional conduct;
- is not currently subject to any disciplinary proceedings; and
- pays a certification fee established by the Secretary in rule.

The Secretary, in collaboration with community partners who advance equitable access to improve perinatal outcomes and care through holistic services for Black and Brown Communities, must adopt rules establishing the competency-based requirements that a birth doula must meet to obtain certification through the following pathways:

- successful completion of training and education programs approved by the Secretary; and
- submission of proof of successful completion of culturally congruent ancestral practices, training, and education that the Secretary must review and determine whether the training and education meet the competency-based requirements.

The Secretary must establish certification and renewal fees, administrative procedures, continuing education and administrative requirements; maintain a record of all applicants and certifications; and hire clerical, administrative, and investigative staff as needed to implement and administer the new chapter created in Title 18 for birth doulas. The Secretary is authorized to adopt rules.

The Uniform Disciplinary Act (UDA) governs the issuance and denial of certifications and the discipline of certified birth doulas. The DOH is designated as the disciplining authority for certified doulas under the UDA. No person may use the title "state-certified birth doula" or indicate or imply that the person is a state-certified birth doula without obtaining certification.

For these purposes, a "birth doula" is a person that is a nonmedical birth coach or support person trained to provide physical, emotional, and informational support to birthing persons during pregnancy, antepartum, labor, birth, and the postpartum period. Birth doulas advocate for and support birthing people and families to self-advocate by helping them to know their rights and make informed decisions. Birth doulas do not provide medical care. The "postpartum period" is the 12-month period beginning on the last day of the pregnancy.

Votes on Final Passage:

House	85	8	
Senate	49	0	(Senate amended)
House	57	41	(House concurred)

Effective: June 9, 2022

October 1, 2023 (Sections 1–5)