

SENATE BILL REPORT

ESHB 1881

As Passed Senate - Amended, March 1, 2022

Title: An act relating to creating a new health profession for birth doulas.

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).

Brief History: Passed House: 2/9/22, 85-8.

Committee Activity: Health & Long Term Care: 2/18/22, 2/23/22 [DPA, DNP, w/oRec].

Floor Activity: Passed Senate - Amended: 3/1/22, 49-0.

<p style="text-align: center;">Brief Summary of Bill (As Amended by Senate)</p> <ul style="list-style-type: none">• Creates a voluntary certification process for birth doulas.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Keiser, Randall, Robinson and Van De Wege.

Minority Report: Do not pass.

Signed by Senator Padden.

Minority Report: That it be referred without recommendation.

Signed by Senators Holy, Rivers and Sefzik.

Staff: Julie Tran (786-7283)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Background: Doulas. A doula is a support person, or non-medical birth coach, trained to provide physical, emotional, and informational support to pregnant persons during the antepartum, labor and delivery, and postpartum periods. In Washington State, doulas are not a licensed health profession and not subject to professional discipline under the Uniform Disciplinary Act.

In 2020, the Legislature directed the Health Care Authority (HCA) to reimburse for maternity support services provided by doulas. HCA and the Department of Health (DOH) must consult with stakeholders and develop methods to secure approval from the Centers for Medicare and Medicaid services for reimbursement for doulas and provide recommendations. HCA submitted a report to the Legislature in December 2020 recommending the creation of a credential for doulas to allow for Medicaid reimbursements.

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

DOH must issue a certification to any applicant who meets the following requirements:

- submits a completed application as required by DOH;
- satisfactorily completes competencies that meet the requirements established by the 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 must, in collaboration with community partners who advance equitable access to improve perinatal outcomes and care through holistic services for black and brown communities, adopt rules establishing the competency-based requirements 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 requirements for birth doulas. The Secretary is authorized to adopt rules.

UDA governs the issuance and denial of certifications and the discipline of certified birth doulas. 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 the person is a state-certified birth doula without obtaining certification.

"Birth doula" means 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.

"Postpartum period" means the 12-month period beginning on the last day of the pregnancy.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony on Engrossed Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: This bill is a crucial step in addressing the black and indigenous perinatal crisis as access to birth doulas will improve health outcomes. Doulas educate and hold emotional space to help welcome new life safely into the world. Their care is just as vital as the rest of the health care team. The ability to receive Medicaid reimbursement for services will increase accessibility for birth doulas and ensure birthing individuals will have the support that they need.

Persons Testifying: PRO: Representative Kirsten Harris-Talley, Prime Sponsor; Leanne Do; Jasmyne Bryant, Doulas4All Coalition; Kim James, PALS Doulas; Socia Love-Thurman, Seattle Indian Health Board; Kristin Reichl, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying: PRO: Senait Brown, Doulas4All Coalition.