

S.53

Introduced by Senators Gulick, Clarkson, Hardy, Vyhovsky, Watson and

White

Referred to Committee on Government Operations

Date: February 6, 2025

Subject: Professions and occupations; Office of Professional Regulation;

community-based perinatal doulas; certification; Medicaid

Statement of purpose of bill as introduced: This bill proposes to establish a process of voluntary certification for community-based perinatal doulas. It would also require Medicaid coverage for doula services during labor and birth and for the prenatal and postpartum periods.

An act relating to certification of community-based perinatal doulas and Medicaid coverage for doula services

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 26 V.S.A. chapter 84 is added to read:

CHAPTER 84. COMMUNITY-BASED PERINATAL DOULAS

§ 4171. DEFINITIONS

As used in this chapter:

(1) “Certified community-based perinatal doula” means a community-based perinatal doula who holds a certificate issued pursuant to this chapter.

1 (2) “Community-based doula” means an individual who provides doula
2 services to under-resourced and marginalized populations at low or no cost,
3 often through a community-based agency.

4 (3) “Community-based perinatal doula” means a community-based
5 doula who provides doula services to individuals during the perinatal period.

6 (4) “Director” means the Director of the Office of Professional
7 Regulation.

8 (5) “Doula” means a nonclinical, nonmedical individual who provides
9 direct emotional and physical support and educational and informational
10 services to birthing individuals before, during, and after labor and childbirth.

11 (6) “Perinatal” means the period of time encompassing pregnancy,
12 childbirth, and up to one year postpartum.

13 § 4172. PROHIBITIONS; PENALTIES

14 (a) Nothing in this chapter shall be construed to prohibit the provision of
15 doula services by a noncertified individual, provided that no person shall use
16 in connection with the person’s name any letters, words, or insignia indicating
17 or implying that the person is a State certified community-based perinatal
18 doula unless the person is certified in accordance with this chapter.

19 (b) A person who violates this section shall be subject to the penalties set
20 forth in 3 V.S.A. § 127(c).

1 § 4173. DUTIES OF THE DIRECTOR

2 (a) The Director shall:

3 (1) provide general information to applicants for certification as
4 certified community-based perinatal doulas;

5 (2) receive applicants for certification; grant and renew certifications in
6 accordance with this chapter; and deny, revoke, suspend, reinstate, or condition
7 certifications as directed by an administrative law officer;

8 (3) explain appeal procedures to certified community-based perinatal
9 doulas and applicants;

10 (4) explain complaint procedures to the public;

11 (5) prepare and maintain a registry of certified community-based
12 perinatal doulas;

13 (6) administer fees collected in accordance with this chapter and
14 3 V.S.A. § 125; and

15 (7) refer all disciplinary matters to an administrative law officer
16 established under 3 V.S.A. § 129(j).

17 (b) The Director, after consultation with the advisor appointees, may adopt
18 rules in accordance with 3 V.S.A. chapter 25 as needed to perform the
19 Director's duties under this chapter.

1 § 4174. ADVISOR APPOINTEES

2 (a) The Secretary of State shall appoint two certified community-based
3 perinatal doulas to serve as advisors in matters relating to community-based
4 perinatal doulas. The advisors shall be appointed as set forth in 3 V.S.A.
5 § 129b and serve at the pleasure of the Secretary. One of the initial
6 appointments may be for less than a full term. Appointees shall not have less
7 than three years' experience providing community-based perinatal doula
8 services immediately preceding appointment and shall be actively engaged in
9 delivering community-based perinatal doula services in Vermont during
10 incumbency.

11 (b) The Director shall seek the advice of the community-based perinatal
12 doula advisors in carrying out the provisions of this chapter. The advisor
13 appointees shall be entitled to per diem compensation and reimbursement of
14 expenses as permitted under 32 V.S.A. § 1010 for attendance at any meeting
15 called by the Director for this purpose.

16 § 4175. ELIGIBILITY

17 To be eligible for certification as a certified community-based perinatal
18 doula, an applicant shall complete and submit an application in the manner
19 prescribed by the Director by rule, accompanied by the applicable fees, and
20 evidence satisfactory to the Director that the applicant:

21 (1) is at least 18 years of age;

1 (2) has sufficient and appropriate competencies in community-based
2 perinatal doula services, whether acquired through experience, mentorship,
3 training, formal education, or a combination of these, as determined by the
4 Director by rule; and

5 (3) has passed any criminal history background or registry checks
6 required by the Director by rule.

7 § 4176. CERTIFICATE RENEWAL

8 A community-based perinatal doula certification shall be renewed every
9 two years upon application, payment of the required fee in accordance with
10 3 V.S.A. § 125, and proof of compliance with any continuing education or
11 demonstrated competency requirements established by rule.

12 § 4177. UNPROFESSIONAL CONDUCT

13 (a) Unprofessional conduct means misusing a title in professional activity
14 and any of the conduct listed in 3 V.S.A. § 129a, whether committed by a
15 certified community-based perinatal doula or an applicant.

16 (b) The Office of Professional Regulation may discipline a certified
17 community-based perinatal doula for unprofessional conduct as provided in
18 3 V.S.A. § 129a.

1 Sec. 2. 3 V.S.A. § 122 is amended to read:

2 § 122. OFFICE OF PROFESSIONAL REGULATION

3 The Office of Professional Regulation is created within the Office of the
4 Secretary of State. The Office shall have a director who shall be qualified by
5 education and professional experience to perform the duties of the position.
6 The Director of the Office of Professional Regulation shall be a classified
7 position with the Office of the Secretary of State. The following boards or
8 professions are attached to the Office of Professional Regulation:

9 * * *

10 (54) Community-Based Perinatal Doulas

11 Sec. 3. 3 V.S.A. § 123(j) is amended to read:

12 (j)(1) The Office may inquire into the criminal background histories of
13 applicants for initial licensure and for license renewal of any Office-issued
14 credential, including a license, certification, registration, or specialty
15 designation for the following professions:

16 * * *

17 (M) occupational therapists licensed under 26 V.S.A. chapter 71; ~~and~~

18 (N) peer providers and peer recovery support specialists certified
19 under 26 V.S.A. chapter 60; and

20 (O) community-based perinatal doulas certified under 26 V.S.A.
21 chapter 84.

* * *

Sec. 4. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

* * *

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(2) Application for licensure or certification, \$115.00, except application for:

* * *

(R) Community-based perinatal doulas, \$75.00.

* * *

(4) Biennial renewal, \$275.00, except biennial renewal for:

* * *

(W) Community-based perinatal doulas, \$120.00.

* * *

Sec. 5. 33 V.S.A. § 1901n is added to read:

§ 1901n. MEDICAID COVERAGE FOR DOULA SERVICES

1 (a) As used in this section, “certified community-based perinatal doula”
2 means a community-based perinatal doula who holds a certificate issued
3 pursuant to 26 V.S.A. chapter 84.

4 (b)(1) The Department of Vermont Health Access shall provide
5 reimbursement to a certified community-based perinatal doula for providing
6 direct emotional and physical support and educational and informational
7 services to birthing individuals covered by Medicaid during pregnancy, labor
8 and delivery, and the postpartum period, regardless of the outcome of the
9 pregnancy.

10 (2) A certified community-based perinatal doula shall not receive
11 reimbursement for travel time or mileage expenses.

12 Sec. 6. MEDICAID REIMBURSEMENT FOR DOULA SERVICES;

13 LEGISLATIVE INTENT

14 It is the intent of the General Assembly that the Department of Vermont
15 Health Access reimburse qualified doulas in amounts that are reasonable and
16 adequate for the services provided and that are consistent with the
17 reimbursement rates set by other states’ Medicaid programs.

18 ~~Sec. 7. STATE PLAN AMENDMENT~~

19 The Department of Vermont Health Access shall seek a state plan
20 amendment from the Centers for Medicare and Medicaid Services if needed to

1 ~~allow Vermont's Medicaid program to provide coverage for doula services in~~
2 ~~accordance with 33 V.S.A. § 1901n, as added by this act.~~

Sec. 7. STATE PLAN AMENDMENT

Not later than July 1, 2026, the Department of Vermont Health Access shall seek a state plan amendment from the Centers for Medicare and Medicaid Services to allow Vermont's Medicaid program to provide coverage for doula services in accordance with 33 V.S.A. § 1901n, as added by this act.

3 Sec. 8. EFFECTIVE DATES

4 (a) Secs. 1–4 (establishing certification program for community-based
5 perinatal doulas) shall take effect on July 1, 2026, provided that the Director of
6 the Office of Professional Regulation shall commence the rulemaking process
7 prior to that date in order to ensure that the rules will be in effect on July 1,
8 2026.

9 ~~(b) Sec. 5 (33 V.S.A. § 1901n; Medicaid coverage for doula services) shall~~
10 ~~take effect on July 1, 2026 or, if a state plan amendment is necessary, upon~~
11 ~~approval of the state plan amendment, whichever is later.~~

(b) Sec. 5 (33 V.S.A. § 1901n; Medicaid coverage for doula services) shall take effect on the later of July 1, 2026 or approval of the state plan amendment requested pursuant to Sec. 7 of this act.

12 (c) The remaining sections shall take effect on passage.