

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING**  
A Statement of Need and Fiscal Impact accompanies this form.

Oregon Health Authority (OHA), Division of Medical Assistance Programs (Division) 410  
Agency and Division Administrative Rules Chapter Number

Sandy Cafourek 500 Summer St. NE, E-35, Salem, OR 97301(3<sup>rd</sup> Floor, B-84) 503-945-6430  
Rules Coordinator Address Telephone

**RULE CAPTION**

Payment process for doula services provided at the time of labor and delivery  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

December 17, 2013 10:30-12 Noon 500 Summer St. NE, Room 137C, Salem, OR 97301 Sandy Cafourek  
Hearing Date Time Location Hearings Officer

Hearing Date Time Location Hearings Officer  
*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.  
ADOPT: OAR 410-130-0015

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 413.042 and 414.065

Other Auth.:

Stats. Implemented: ORS 414.065

**RULE SUMMARY**

House Bill 3650, passed during the 2011 legislative session, mandates that members enrolled in Medicaid have access to Traditional Health Workers (THWs) to facilitate culturally and linguistically appropriate care. The Traditional Health Worker Steering Committee under the Office of Equity and Inclusion identified doulas as Traditional Health Care workers. The Authority adopted OAR 410-180-0300 through 0380 establishing the process for training, certification, and registry enrollment of doulas and other traditional healthcare workers. This rule sets forth the requirement for reimbursing doula services provided to eligible members.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

December 19, 2013, by 5:00 p.m.

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

 Judy Mohr Peterson 11/7/2013  
Signature Printed name Date

Note: Hearing Notices must be submitted by the 15th day of the month to be published in the next month's *Oregon Bulletin*.

Secretary of State

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Health Authority, Division of Medical Assistance Programs (Division)

410

Agency and Division

Administrative Rules Chapter Number

Payment process for doula services rendered at the time of labor and delivery

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adoption or OAR 410-130-0015 Doula Services

Statutory Authority: ORS 413,042, 414.635 &amp; 414.665

Other Authority: Oregon Laws 2011, chapter 602 and Oregon Laws 2012, chapter 8; Oregon's 1115 Medicaid Demonstration Waiver.

Stats. Implemented: ORS 414.635 &amp; 414.665

Need for the Rule(s): House Bill 3650, passed during the 2011 legislative session, mandates that members enrolled in Medicaid have access to Traditional Health Workers (THWs) to facilitate culturally and linguistically appropriate care. The Non-Traditional Health Worker Steering Committee under the Office of Equity and Inclusion identified doulas as Traditional Health Care workers. OARs 410-180-0300 through 0380 were adopted 8/2/13 establishing the process for training, certification, and registry enrollment of doulas and other traditional healthcare workers. The Doula Services rule (OAR 410-130-0015) is needed to set forth the requirement for reimbursing doula services provided to eligible members.

Documents Relied Upon, and where they are available:

- HB 3650: <http://www.leg.state.or.us/11reg/measpdf/hb3600.dir/hb3650.intro.pdf>
- SB 1580: "The Role of Non-Traditional Health Workers in Oregon's Health Care System": [www.oregon.gov/oha/oei/docs/nthw-report-120106.pdf](http://www.oregon.gov/oha/oei/docs/nthw-report-120106.pdf)
- "Utilizing Doulas to Improve Birth outcomes for Underserved Women in Oregon": <http://library.state.or.us/repository/2012/201202280756542/>
- Minutes from RAC held 9/6/13

Fiscal and Economic Impact:

DMAP will set and adjust payment for doula services such that it will be at or near budget neutral. No substantial fiscal impact is expected with the implementation of payment for doula services. Use of doula services is expected to produce cost savings due to improved birth outcomes, including reduced Caesarian sections, epidural use, reduced assisted vaginal deliveries, and reduce the number of neonatal care unit admissions. These savings will be used to offset the payment cost for doula services. Fiscal analysis based on birth data from 2010 showed that \$623,700 total cost of doula services would result in \$1,093,691 in total projected savings for a net savings of \$469,991.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):  
As payment amounts will be set to be at or near budget neutral there should be not impact.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:  
The Division anticipates that some doulas will be sole proprietors or associated with a small business. This OAR will provide them with an additional source of revenue.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Participating businesses will need to begin using a new unique billing code in addition to the billing procedures they are already doing. The Division anticipates this impact will be minimal.

c. Equipment, supplies, labor and increased administration required for compliance:

The Division anticipates no increased or decreased cost to small businesses for compliance.

How were small businesses involved in the development of this rule?  
Small business members were included in the Rule Advisory Committee.

Administrative Rule Advisory Committee consulted?

If not, why?:

A Rule Advisory Committee met 9/6/13 with 9 members participating.

Signature Judy Mohr Peterson Printed name JUDY MOHR PETERSON Date 11/7/2013

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

## **410-130-0015 Doula Services**

## **NEW RULE**

(1) The primary purpose of providing concurrent doula services with the services of a licensed obstetrical practitioner is to optimize birth outcomes, including reduced Caesarian sections, epidural use, reduced assisted vaginal deliveries, and reduce the number of neonatal care unit admissions. These face-to-face services are provided only during the labor and delivery phase of the client's pregnancy. The following are expected to benefit most from doula services:

(a) A woman with a racially or ethnically diverse background including, Black/African American, Asian, Pacific Islander, Native American, Latino or multiracial;

(b) A homeless woman;

(c) A woman who speaks limited to no English;

(d) A woman who has limited to no family or partner support; or

(e) A woman who is under the age of 21;

(2) Doula services may be provided only at the request of the licensed obstetrical practitioner. The doula and licensed obstetrical practitioner must work concurrently. The licensed obstetrical practitioner must be a physician or advance practice nurse.

(3) Doulas must be certified and registered with the Authority pursuant to OAR 410-180-0325 through 0327. Certification must be effective at the time doula services are provided. Doulas must provide proof of certification to the practitioner.

(4) Doula services are covered for any woman whose benefit package covers labor and delivery.

(5) The provision of doula services during labor and delivery must be documented in the client's medical record by the licensed obstetrical practitioner.

(6) Payment for doula's services

(a) The licensed obstetrical practitioner may be eligible for an additional payment, as remuneration for the attending doula providing the doula services;

(b) Doulas may not receive direct payment from the Division;

(c) To be considered for the additional payment, the professional claim for the delivery services must include the unique Medicaid modifier of U9 appended to the appropriate obstetrical code billed at the time of delivery;

(d) This modifier may only be billed once per pregnancy. Multiples (i.e., twins, triplets) are not eligible for additional payment for the doula's services;

(e) Only one additional payment shall be made for doula services regardless of the number of doulas providing the services;

(f) Only providers with a provider type designation of 34 or 42 may bill the U9 modifier.

(7) Doula services at the time of delivery are the only services eligible for payment under this rule. Services provided during the prenatal and postnatal period are governed by OAR 410-130-0595 (Maternity Case Management).

Stat. Authority: ORS 413.042 and 414.065

Stat. Implemented: ORS 414.065