

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0838.02 Chelsea Princell x4335

SENATE BILL 23-288

SENATE SPONSORSHIP

Fields and Buckner, Coleman, Cutter, Danielson, Exum, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Kolker, Marchman, Moreno, Mullica, Priola, Roberts, Rodriguez, Sullivan, Winter F., Zenzinger

HOUSE SPONSORSHIP

English and Joseph,

Senate Committees

Health & Human Services
Appropriations

House Committees

Public & Behavioral Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO DETERMINE COVERAGE FOR DOULA**
102 **SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN**
103 **APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Not later than September 1, 2023, the bill requires the department of health care policy and financing (state department) to initiate a stakeholder process to promote the expansion and utilization of doula services for pregnant and postpartum medicaid recipients (recipients).

The bill requires the state department to work with a maternity

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
2nd Reading Unamended
May 3, 2023

SENATE
Amended 3rd Reading
April 27, 2023

SENATE
Amended 2nd Reading
April 26, 2023

advisory committee to create a report detailing the findings and recommendations from the stakeholder process and submit the report to the general assembly during the state department's "SMART Act" hearing.

Not later than July 1, 2024, the bill requires the state department to seek federal authorization for medicaid providers to provide doula services for pregnant and postpartum people.

The bill creates a doula scholarship program to provide financial support to eligible individuals to pursue doula training and certification. To be eligible for a scholarship, individuals must agree to enroll as a doula provider and provide doula services to recipients.

The bill requires the division of insurance (division) to contract with an independent entity to study the potential health-care costs and benefits of providing coverage for doula services in health benefit plans. The bill requires the division to submit a report to the general assembly during the state department's "SMART Act" hearing detailing the results and recommendations from the study during the state fiscal year 2024-25.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) There is strong evidence of positive maternal and infant
5 outcomes associated with doula services;

6 (b) Doula care is associated with a reduction in the number of low
7 birth weight babies, preterm births, cesarean sections, labor inductions,
8 and other medical interventions, and is associated with increased rates of
9 breast-feeding;

10 (c) Most pregnant persons who utilize doula services have positive
11 outcomes, and the association between doula support and positive
12 perinatal outcomes is even stronger for low-income people, people of
13 color, and people who experience cultural or language barriers to
14 accessing pregnancy care. However, individuals and families who could
15 benefit the most from doula services may have the least access to it,
16 financially and culturally.

1 (d) The United States has the highest rate of maternal mortality
2 among developed countries, with 1,205 deaths due to maternal causes in
3 2021;

4 (e) It is estimated that more than 80 percent of the maternal
5 mortalities in the United States are preventable;

6 (f) Data from the Centers for Disease Control and Prevention
7 shows that nationally, Black pregnant persons are two to three times more
8 likely to die from pregnancy-related causes than White pregnant persons.
9 There are between 69 and 70 deaths per 100,000 live births for Black
10 pregnant persons, compared to between 26 and 27 deaths per 100,000 live
11 births for White pregnant persons, and 28 deaths per 100,000 live births
12 for Hispanic pregnant persons.

13 (g) High rates of maternal mortality among Black pregnant
14 persons span income and education levels; moreover, risk factors such as
15 a lack of access to prenatal care and physical health conditions do not
16 fully explain the racial disparity in maternal mortality;

17 (h) A growing body of evidence indicates that stress from racism
18 can result in conditions such as hypertension and preeclampsia that
19 contribute to poor maternal health outcomes among Black pregnant
20 persons;

21 (i) In the United States, one in three births is a cesarean section,
22 which costs about 50 percent more than vaginal births. Studies suggest
23 that having a doula reduces the need for a cesarean section by 25 percent.

24 (j) Currently, 11 states provide medicaid reimbursement for doula
25 services. Studies in Oregon, Minnesota, and Wisconsin have shown that
26 when pregnant individuals use a doula, it can save the state money.

27 (2) Therefore, the general assembly finds that providing doula

1 services for medicaid recipients in Colorado would significantly improve
2 health outcomes for pregnant and postpartum individuals and would help
3 lower the maternal mortality rate in the state.

4 **SECTION 2.** In Colorado Revised Statutes, **add** 25.5-4-506 as
5 follows:

6 **25.5-4-506. Coverage for doula services - stakeholder process**
7 **- federal authorization - scholarship program - training - report -**
8 **definitions - repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

10 (a) "DOULA" MEANS A TRAINED BIRTH COMPANION WHO PROVIDES
11 PERSONAL, NONMEDICAL SUPPORT TO PREGNANT AND POSTPARTUM
12 PEOPLE AND THEIR FAMILIES PRIOR TO CHILDBIRTH, DURING LABOR AND
13 DELIVERY, AND DURING THE POSTPARTUM PERIOD.

14 (b) "MATERNITY ADVISORY COMMITTEE" MEANS THE COMMITTEE
15 FACILITATED BY THE STATE DEPARTMENT COMPOSED PREDOMINANTLY OF
16 BLACK, INDIGENOUS, AND OTHER PEOPLE OF COLOR WITH MATERNITY
17 CARE EXPERIENCE AS RECIPIENTS.

18 (2) NO LATER THAN SEPTEMBER 1, 2023, THE STATE DEPARTMENT
19 SHALL INITIATE A STAKEHOLDER PROCESS TO PROMOTE THE EXPANSION
20 AND UTILIZATION OF DOULA SERVICES FOR PREGNANT AND POSTPARTUM
21 RECIPIENTS IN THE STATE. IN CONDUCTING THE STAKEHOLDER PROCESS,
22 THE STATE DEPARTMENT SHALL:

23 (a) DESIGN AN OUTREACH STRATEGY THAT INCLUDES BEST
24 PRACTICES IN COMMUNITY ENGAGEMENT, INCLUDING, BUT NOT LIMITED
25 TO:

26 (I) ENGAGING TRUSTED COMMUNITY PARTNERS TO SUPPORT THE
27 WORK;

1 (II) REIMBURSEMENT OF PARTICIPATION COSTS FOR INDIVIDUALS
2 WHO ARE NOT OTHERWISE PAID TO PARTICIPATE;

3 (III) REIMBURSEMENT OF CHILD CARE COSTS FOR INDIVIDUALS
4 WHO PARTICIPATE; AND

5 (IV) TRANSLATION SERVICES AND MEETING TIMES THAT ALLOW
6 DIVERSE AND INCLUSIVE PARTICIPATION;

7 (b) SOLICIT FEEDBACK RELATED TO:

8 (I) AN APPROVED DOULA CERTIFICATION PROCESS THAT
9 INCORPORATES NATIONAL AND LOCAL TRAINING PROGRAMS;

10 (II) A BILLING PROCESS FOR DOULA SERVICES;

11 (III) WAYS TO RECRUIT DOULAS AND INTEGRATE THEM INTO
12 HOSPITAL DELIVERIES;

13 (IV) SUPPORT NEEDED TO BUILD AND RETAIN A DOULA
14 WORKFORCE;

15 (V) COMMUNITY OUTREACH TO DETERMINE HOW TO BEST
16 PROMOTE DOULA SERVICES; AND

17 (VI) THE DOULA SCHOLARSHIP PROGRAM CREATED IN SUBSECTION
18 (7) OF THIS SECTION.

19 (3) STAKEHOLDERS MUST BE DIVERSE WITH REGARD TO RACE,
20 ETHNICITY, IMMIGRATION STATUS, SEXUAL ORIENTATION, AND GENDER,
21 AND MUST REPRESENT OTHER POPULATIONS THAT EXPERIENCE GREATER
22 HEALTH DISPARITIES AND INEQUITIES. THE STATE DEPARTMENT MAY
23 INCLUDE THE FOLLOWING IN THE STAKEHOLDER PROCESS:

24 (a) DOULAS AND POTENTIAL DOULAS WHO MAY SERVE RECIPIENTS
25 WHO INCLUDE, BUT ARE NOT LIMITED TO, BLACK, INDIGENOUS, AND OTHER
26 PEOPLE OF COLOR, REFUGEES, NON-ENGLISH SPEAKERS, PEOPLE LIVING IN
27 RURAL AREAS, AND PEOPLE WHO WERE RECENTLY INCARCERATED;

1 (b) INDIVIDUALS INDIRECTLY INVOLVED IN THE DELIVERY OF
2 DOULA SERVICES, INCLUDING, BUT NOT LIMITED TO, CLINICAL PROVIDERS,
3 HOSPITALS, MANAGED CARE ENTITIES, AND STATE PARTNERS, INCLUDING,
4 BUT NOT LIMITED TO, THE DEPARTMENT OF PUBLIC HEALTH AND
5 ENVIRONMENT, DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF
6 EARLY CHILDHOOD, AND DEPARTMENT OF REGULATORY AGENCIES;

7 (c) REPRESENTATIVES FROM THE DIVISION OF INSURANCE WITH
8 SUBJECT MATTER EXPERTISE; AND

9 (d) REPRESENTATIVES FROM THE MATERNITY ADVISORY
10 COMMITTEE;

11 (e) CONSUMER ADVOCATES; AND

12 (f) EXPERTS ON PERINATAL CARE AND QUALITY.

13 (4) FOR STATE FISCAL YEAR 2024-25, THE STATE DEPARTMENT
14 SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY AS PART OF THE
15 STATE DEPARTMENT'S "SMART ACT" PRESENTATION REQUIRED BY
16 SECTION 2-7-203. THE REPORT MUST INCLUDE FINDINGS AND
17 RECOMMENDATIONS FROM THE STAKEHOLDER PROCESS AS DESCRIBED IN
18 SUBSECTION (2) OF THIS SECTION. THE STATE DEPARTMENT SHALL WORK
19 WITH THE MATERNITY ADVISORY COMMITTEE TO CREATE THE REPORT.

20 (5) IN CARRYING OUT THE STAKEHOLDER PROCESS DESCRIBED IN
21 SUBSECTION (2) OF THIS SECTION, THE STATE DEPARTMENT IS EXEMPT
22 FROM THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

23 (6) NOT LATER THAN JULY 1, 2024, THE STATE DEPARTMENT
24 SHALL SEEK FEDERAL AUTHORIZATION TO PROVIDE DOULA SERVICES FOR
25 PREGNANT AND POSTPARTUM PEOPLE TO IMPROVE HEALTH OUTCOMES OF
26 PREGNANT AND POSTPARTUM PEOPLE WHO FACE A DISPROPORTIONATELY
27 GREATER RISK OF POOR BIRTH OUTCOMES.

1 (7) (a) NOT LATER THAN JULY 1, 2024, THE STATE DEPARTMENT
2 SHALL CREATE A DOULA SCHOLARSHIP PROGRAM THAT GRANTS FUNDS TO
3 INDIVIDUALS WITHOUT SUFFICIENT FINANCIAL RESOURCES TO COMPLETE
4 DOULA TRAINING AND CERTIFICATION PROGRAMS NECESSARY TO PROVIDE
5 DOULA SERVICES.

6 (b) IN DESIGNING THE DOULA SCHOLARSHIP PROGRAM, THE STATE
7 DEPARTMENT SHALL SOLICIT INPUT FROM GROUPS IDENTIFIED IN
8 SUBSECTION (3) OF THIS SECTION.

9 (c) THE STATE DEPARTMENT SHALL DEFINE ELIGIBILITY CRITERIA
10 FOR THE DOULA SCHOLARSHIP PROGRAM THAT INCLUDES, BUT IS NOT
11 LIMITED TO, THE FOLLOWING:

- 12 (I) PROOF OF FINANCIAL HARDSHIP;
- 13 (II) PROOF OF STATE RESIDENCY; AND
- 14 (III) A STATEMENT OF INTENT TO SERVE AS A DOULA PROVIDER IN
15 COLORADO FOR PREGNANT AND POSTPARTUM RECIPIENTS.

16 (d) THE STATE DEPARTMENT SHALL DEFINE CRITERIA FOR
17 ORGANIZATIONS TO CONDUCT TRAINING AND CERTIFICATION PROGRAMS
18 FOR DOULAS THAT INCLUDE, BUT ARE NOT LIMITED TO:

- 19 (I) AN APPROVED CERTIFICATION PROCESS FOR DOULAS;
- 20 (II) AN EQUITABLE APPROACH TO DOULA RECRUITMENT AND
21 TRAINING; AND
- 22 (III) AN APPROVED BUDGET TO PROVIDE FREE TRAINING TO
23 ATTENDEES.

24 (e) THE STATE DEPARTMENT MAY REQUIRE INDIVIDUALS WHO
25 RECEIVE SCHOLARSHIP MONEY PURSUANT TO THE DOULA SCHOLARSHIP
26 PROGRAM DESCRIBED IN THIS SUBSECTION (7) TO SUBMIT TO THE STATE
27 DEPARTMENT, NOT LATER THAN SIX MONTHS AFTER THE INDIVIDUAL'S

1 COMPLETION OF DOULA TRAINING OR CERTIFICATION, DOCUMENTATION
2 THAT THE INDIVIDUAL IS SERVING AS A DOULA FOR RECIPIENTS OR IS
3 WORKING TOWARD ENROLLMENT AS A DOULA FOR RECIPIENTS. IF AN
4 INDIVIDUAL DOES NOT COMPLETE THE DOCUMENTATION, THE STATE
5 DEPARTMENT MAY SEEK REPAYMENT OF THE FUNDS AWARDED TO THE
6 INDIVIDUAL THROUGH THE DOULA SCHOLARSHIP PROGRAM.

7 (f)(I) ANY MONEY APPROPRIATED TO THE DOULA SCHOLARSHIP
8 PROGRAM AND NOT EXPENDED PRIOR TO JULY 1, 2024, IS FURTHER
9 APPROPRIATED TO THE STATE DEPARTMENT THROUGH JUNE 30, 2025, TO
10 BE USED FOR THE SAME PURPOSE.

11 (II) THIS SUBSECTION (7)(f) IS REPEALED, EFFECTIVE JULY 1, 2026.

12 (g) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE STATE
13 DEPARTMENT SHALL REPORT ANNUALLY BEGINNING IN 2025 TO THE
14 GENERAL ASSEMBLY AS PART OF THE STATE DEPARTMENT'S "SMART
15 ACT" PRESENTATION, AS REQUIRED BY SECTION 2-7-203, ON THE
16 UTILIZATION AND OUTCOMES OF THE DOULA SCHOLARSHIP PROGRAM.

17 **SECTION 3.** In Colorado Revised Statutes, **add** 10-16-155.5 as
18 follows:

19 **10-16-155.5. Actuarial review of doula services - report -**
20 **definition.** (1) THE DIVISION SHALL CONTRACT WITH AN INDEPENDENT
21 ENTITY TO CONDUCT AN ACTUARIAL REVIEW OF THE POTENTIAL
22 HEALTH-CARE COSTS AND BENEFITS OF INCLUDING COVERAGE FOR DOULA
23 SERVICES FOR PREGNANT AND POSTPARTUM PERSONS COVERED BY HEALTH
24 BENEFIT PLANS.

25 (2) THE DIVISION SHALL PRESENT THE RESULTS FROM THE
26 ACTUARIAL REVIEW CONDUCTED PURSUANT TO SUBSECTION (1) OF THIS
27 SECTION TO THE GENERAL ASSEMBLY AS PART OF THE DIVISION'S "SMART

1 ACT" PRESENTATION REQUIRED BY SECTION 2-7-203 DURING STATE FISCAL
2 YEAR 2024-25.

3 (3) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
4 REQUIRES, "DOULA" MEANS A TRAINED BIRTH COMPANION WHO PROVIDES
5 PERSONAL, NONMEDICAL SUPPORT TO PREGNANT AND POSTPARTUM
6 PEOPLE AND THEIR FAMILIES PRIOR TO CHILDBIRTH, DURING LABOR AND
7 DELIVERY, AND DURING THE POSTPARTUM PERIOD.

8 **SECTION 4. Appropriation.** (1) For the 2023-24 state fiscal
9 year, \$100,000 is appropriated to the department of health care policy and
10 financing for use by the other medical services division. This
11 appropriation is from the general fund. To implement this act, the division
12 may use this appropriation for the doula scholarship program.

13 (2) For the 2023-24 state fiscal year, \$100,000 is appropriated to
14 the department of regulatory agencies for use by the division of insurance.
15 This appropriation is from the division of insurance cash fund created in
16 section 10-1-103 (3), C.R.S. To implement this act, the division may use
17 this appropriation for personal services.

18 **SECTION 5. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.