

## Oklahoma Health Care Authority

The Oklahoma Health Care Authority (OHCA) values your feedback and input. It is very important that you provide your comments regarding the proposed rule change by the comment due date. Comments can be submitted on the OHCA's [Proposed Changes Blog](#).

**OHCA COMMENT DUE DATE:** January 2, 2024

The proposed policy changes are currently in effect as Emergency Rules and must be promulgated as Permanent Rules. The proposed policy was presented at the Tribal Consultation held on March 7, 2023, and the Medical Advisory Committee held on May 4, 2023. Additionally, this proposal will be presented at a Public Hearing scheduled for January 8, 2024, and are scheduled to be presented as Permanent Rules to the OHCA Board of Directors on January 17, 2024.

### **SUMMARY:**

**Doula Services** — The proposed revisions add doula services as a qualified benefit to SoonerCare members.

### **LEGAL AUTHORITY**

The Oklahoma Health Care Authority Act, Section 5007 of Title 63 of Oklahoma Statutes; the Oklahoma Health Care Authority Board

### **RULE IMPACT STATEMENT:**

#### **STATE OF OKLAHOMA OKLAHOMA HEALTH CARE AUTHORITY**

**SUBJECT:** Rule Impact Statement  
APA WF # 23-10

#### **A. Brief description of the purpose of the rule:**

The proposed revisions add doula services as a covered benefit to SoonerCare members. The policy additions outline what a doula is and the specific services/requirements including but not limited to, certification requirements from one of the Agency-recognized organizations, a referral from a licensed medical provider (physician, physician's assistant (PA), obstetrician, certified nurse midwife), and be at least 18 years of age. Furthermore, policy outlines that members will have eight doula visits, including one for labor and delivery care. Finally, additions state that reimbursement for doula services is outlined in the Oklahoma Medicaid State Plan.

#### **B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the cost of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:**

SoonerCare members who are pregnant will be positively affected by the proposed rule changes.

Doulas will also be affected by the proposed rule changes.

- C. A description of the classes of persons who will benefit from the proposed rule:

The proposed rule changes to allow doulas to render services will benefit SoonerCare members who utilize these services, by allowing access to these specific providers.

The proposed rule changes to allow doulas to render services will benefit providers by allowing contracting with and reimbursement to the aforementioned providers for the delivery of doula services.

- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, a separate justification for each fee change:

There is no probable impact of the proposed rule upon any classes of persons or political subdivisions.

- E. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

The estimated budget impact for SFY 2024 will be an increase in the total amount of \$2,734,572; with \$861,732 in state share. The estimated budget impact for SFY 2025 will be an increase in the total amount of \$2,734,572; with \$887,916 in state share.

- F. A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:

There is no economic impact on political subdivisions.

- G. A determination of whether implementation of the proposed rule will have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

The proposed rule is not expected to have an adverse effect on small business.

- H. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

The agency has taken measures to determine that there is no less costly or non-regulatory method or less intrusive method for achieving the purpose of the proposed rule.

- I. A determination of the effect of the proposed rule on the public health, safety and environment

and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The proposed rule should have no adverse effect on the public health, safety, and environment.

- J. A determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented:

OHCA does not believe there is a detrimental effect on the public health and safety if the rule is not passed.

- K. The date the rule impact statement was prepared and if modified, the date modified:

Prepared: February 23, 2023  
Modified: November 14, 2023

**RULE TEXT:**

**TITLE 317. OKLAHOMA HEALTH CARE AUTHORITY  
CHAPTER 30. MEDICAL PROVIDERS-FEE FOR SERVICE**

**SUBCHAPTER 5. INDIVIDUAL PROVIDERS AND SPECIALTIES**

**PART 114. DOULA SERVICES**

**317:30-5-1215. General**

(a) A doula or birth worker is a trained professional who provides emotional, physical, and informational support services during the prenatal, labor and delivery, and postpartum periods. Doulas are non-clinical and do not provide medical care. Services should not replace the services of other licensed and trained medical professionals including, but not limited to, physicians, physicians assistants, advanced practice registered nurses, and certified nurse midwives.

(b) All Title TXIX, CHIP, expansion adult, and Soon-to-be-Sooners (STBS) members who are pregnant or within the postpartum period are eligible for doula services.

(c) Doula services are available for twelve (12) months postpartum, depending on the members continued SoonerCare eligibility.

**317:30-5-1216. Eligible providers**

**(a) Provider requirements.**

- (1) Must be eighteen (18) years of age;
- (2) Obtain and maintain a National Provider Identifier (NPI); and
- (3) Use the taxonomy number required by the State.

**(b) Certifications.** Possess one of the following certifications:

- (1) Birth doula;
- (2) Postpartum doula;
- (3) Full-spectrum doula; or

(4) Community-based doula.

(b) **Certifying organization.** Be certified by one of the State's recognized certifying organizations found at [www.oklahoma.gov/ohca/](http://www.oklahoma.gov/ohca/).

### **317:30-5-1217. General coverage**

#### **(a) Covered benefits.**

(1) **Prenatal/postpartum visits.** There is a total of eight (8) visits allowed for the member. The doula must work with the member to determine how best to utilize the benefit to meet the needs of the member.

(2) **Labor and delivery.** There is one (1) visit allowed, regardless of the duration.

#### **(b) Visit requirements.**

(1) The minimum visit length is sixty (60) minutes.

(2) Visits must be face-to-face.

(A) Prenatal and postpartum visits may be conducted via telehealth.

(B) Labor and delivery services may not be conducted via telehealth.

#### **(c) Service locations.**

##### **(1) Prenatal and postpartum.**

(A) Doulas must coordinate directly with the member and their family to determine the most appropriate service location for prenatal and postpartum visits.

(B) Service locations may include the following:

(i) Member's place of residence;

(ii) Doula's office;

(iii) Physician's office;

(iv) Hospital; or

(v) In the community.

(2) **Labor and delivery services.** There is no coverage for home birth(s).

(d) **Referral requirements.** Doula services must be recommended by a physician or other licensed practitioner of the healing arts who is operating within the scope of their practice under State law.

(1) The following providers may recommend doula services:

(A) Obstetricians;

(B) Certified Nurse Midwives;

(C) Physicians;

(D) Physician Assistants; or

(E) Certified Nurse Practitioners.

(2) The SoonerCare Referral Form must be completed and submitted, noting the recommendation for doula services.

#### **(e) Prior authorization (PA) requirements.**

(1) A PA is not required to access the standard doula benefit package.

(2) A PA may be submitted, for members with extenuating medical circumstances, if there is need for additional visits beyond the eight (8) prenatal/postpartum visits.

(f) **Medical records requirements.** The medical record must include, but is not limited to, the following:

(1) Date of service;

(2) Person(s) to whom services were rendered;

(3) Start and stop time for the service(s);

(4) Specific services performed by the doula on behalf of the member;

(5) Member/family response to the service;

(6) Any new needs identified during the service; and

(7) Original signature of the doula, including the credentials of the doula.

(g) **Auditing review.** All doula services are subject to post-payment reviews and audits by the OHCA.

(h) **Reimbursement.**

(1) All doula services, that are outlined in Part 114 of this Chapter, are reimbursed per the methodology established in the Oklahoma Medicaid State Plan.

(2) There are no allotted incentive payments.

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