

SENATE AMENDMENTS TO SENATE BILL 1568

By COMMITTEE ON EARLY CHILDHOOD AND BEHAVIORAL HEALTH

February 17

1 On page 1 of the printed bill, line 2, delete “414.025.”.

2 Delete lines 6 through 22 and delete pages 2 through 14 and insert:

3 “**SECTION 1.** ORS 414.665 is amended to read:

4 “414.665. (1) As used in this section, ‘traditional health worker’ includes any of the following:

5 “(a) A community health worker.

6 “(b) A personal health navigator.

7 “(c) A peer wellness specialist.

8 “(d) A peer support specialist.

9 “(e) A doula.

10 “(f) A tribal traditional health worker.

11 “(2) In consultation with the Traditional Health Workers Commission established under ORS

12 413.600, the Oregon Health Authority, for purposes related to the regulation of traditional health

13 workers, shall adopt by rule:

14 “(a) The qualification criteria, including education and training requirements, for the traditional

15 health workers utilized by coordinated care organizations, including [*distinct qualification criteria for*

16 *birth doulas and postpartum doulas*] **qualification criteria for the distinct perinatal doula pro-**

17 **vider types of birth doula and postpartum doula;**

18 “(b) Appropriate professional designations for supervisors of the traditional health workers; and

19 “(c) Processes by which other occupational classifications may be approved to supervise the

20 traditional health workers.

21 “(3) The criteria and requirements established under subsection (2) of this section:

22 “(a) Must be broad enough to encompass the potential unique needs of any coordinated care

23 organization;

24 “(b) Must meet requirements of the Centers for Medicare and Medicaid Services to qualify for

25 federal financial participation; and

26 “(c) May not require certification by the Home Care Commission.

27 “**SECTION 2.** The Oregon Health Authority shall adopt by rule the qualification criteria

28 for the distinct perinatal doula provider types of birth doula and postpartum doula, as re-

29 quired under the amendments to ORS 414.665 by section 1 of this 2026 Act, no later than

30 January 1, 2028.

31 “**SECTION 3.** ORS 414.667 is amended to read:

32 “414.667. As used in ORS 414.667 to 414.671[.],

33 “[1] ‘doula’ has the meaning given that term in ORS 414.025.

34 “[2] ‘Lactation counselor’ has the meaning given that term in ORS 676.665.]

35 “[3] ‘Lactation educator’ has the meaning given that term in ORS 676.665.]

1 **SECTION 4.** ORS 414.668 is amended to read:

2 “414.668. (1) In determining the types and extent of health care and services to be provided to
3 medical assistance recipients under ORS 414.065, the Oregon Health Authority and a coordinated
4 care organization shall ensure that recipients have access to services provided by doulas[*, lactation*
5 *counselors and lactation educators*].

6 “(2) The services described in subsection (1) of this section must:

7 “(a) Include a minimum of 24 hours of services, in addition to labor and delivery services, re-
8 gardless of birth outcome, with an option for the authority or a coordinated care organization to
9 approve additional hours based on need;

10 “(b) Be sufficient to support recipients’ robust maternal health and support positive birth out-
11 comes; and

12 “(c) Be provided:

13 “(A) By an individual or organization from the community of the recipient, using language,
14 structures and settings familiar to members of the community; or

15 “(B) If an individual or organization from the community of the recipient is not available, by a
16 provider that has received cultural competency training within the preceding three years.

17 “(3) Access to [*doulas, lactation counselors and lactation educators*] **doula services**:

18 “(a) Must be made available without a referral **or signature** from another health care provider;
19 and

20 “(b) May not require [*a signature from or supervision by any other health care provider*] **prior**
21 **authorization**, except as necessary to approve additional hours based on need as described in sub-
22 section (2)(a) of this section.

23 “(4) A coordinated care organization shall make information about how to access services pro-
24 vided by a doula[*, lactation counselor or lactation educator*] available on a website operated by or on
25 behalf of the coordinated care organization and shall provide the information in print whenever a
26 printed explanation of benefits is available.

27 **SECTION 5.** ORS 414.668, as amended by section 4 of this 2026 Act, is amended to read:

28 “414.668. (1) In determining the types and extent of health care and services to be provided to
29 medical assistance recipients under ORS 414.065, the Oregon Health Authority and a coordinated
30 care organization shall ensure that recipients have access to services provided by doulas.

31 “(2) The services described in subsection (1) of this section must:

32 “(a) Include a minimum of **12 visits or** 24 hours of services, **or a comparable combination of**
33 **visits and hours**, in addition to labor and delivery services, regardless of birth outcome, with an
34 option for the authority or a coordinated care organization to approve additional hours based on
35 need[;].

36 “(b) Be sufficient to support recipients’ robust maternal health and support positive birth
37 outcomes[; and].

38 “(c) Be provided:

39 “(A) By an individual or organization from the community of the recipient, using language,
40 structures and settings familiar to members of the community; or

41 “(B) If an individual or organization from the community of the recipient is not available, by a
42 provider that has received cultural competency training within the preceding three years.

43 “(3) Access to doula services:

44 “(a) Must be made available without a referral or signature from another health care provider;
45 and

1 "(b) May not require prior authorization, except as necessary to approve additional hours based
2 on need as described in subsection (2)(a) of this section.

3 "(4) A coordinated care organization shall make information about how to access services pro-
4 vided by a doula available on a website operated by or on behalf of the coordinated care organiza-
5 tion and shall provide the information in print whenever a printed explanation of benefits is
6 available.

7 "**SECTION 6.** (1) The amendments to ORS 414.668 by section 5 of this 2026 Act apply to
8 contracts between coordinated care organizations and the Oregon Health Authority entered
9 into, amended or renewed on or after January 1, 2028.

10 "**(2) A contract between a coordinated care organization and the authority that was en-**
11 **tered into, amended or renewed before January 1, 2028, may authorize medical assistance**
12 **coverage of services consistent with the amendments to ORS 414.668 by section 5 of this 2026**
13 **Act.**

14 "**SECTION 7.** ORS 414.669 is amended to read:

15 "414.669. [(1)] The Oregon Health Authority, in coordination with the Traditional Health Work-
16 ers Commission, shall in each even-numbered year review, and revise if necessary, any rates of re-
17 imbursement in the state medical assistance program for doulas. When reviewing and revising rates
18 of reimbursement, the authority shall consider factors including retention of doulas and the need to
19 ensure that a career as a doula is financially sustainable, access to culturally specific doulas and
20 evidence-based factors and empirical studies related to the cost-effectiveness of services provided
21 by doulas.

22 "[(2) *The authority shall in each even-numbered year review, and revise if necessary, any rates of*
23 *reimbursement in the state medical assistance program for lactation counselors and lactation educators.*
24 *When reviewing and revising rates of reimbursement, the authority shall consider factors including*
25 *retention of lactation counselors and lactation educators and the need to ensure that a career as a*
26 *lactation counselor or lactation educator is financially sustainable, access to culturally specific lactation*
27 *counselors and lactation educators and evidence-based factors and empirical studies related to the*
28 *cost-effectiveness of services provided by lactation counselors and lactation educators.*]"

29 "**SECTION 8.** Section 9 of this 2026 Act is added to and made a part of ORS chapter 414.

30 "**SECTION 9.** (1) As used in this section, 'lactation counselor' has the meaning given that
31 term in section 21 of this 2026 Act.

32 "**(2) The Oregon Health Authority and a coordinated care organization shall ensure that**
33 **medical assistance recipients have access to services provided by lactation counselors and**
34 **that access to those services is made available without a referral from another health care**
35 **provider.**

36 "**(3) A coordinated care organization shall make information about how to access services**
37 **provided by a lactation counselor available on a website operated by or on behalf of the co-**
38 **ordinated care organization and shall provide the information in print whenever a printed**
39 **explanation of benefits is available.**

40 "**(4) The authority shall in each even-numbered year review, and revise if necessary, any**
41 **rates of reimbursement in the state medical assistance program for lactation counselors.**
42 **When reviewing and revising rates of reimbursement, the authority shall consider retention**
43 **of lactation counselors as a factor.**

44 "**SECTION 10.** Section 9 of this 2026 Act applies to contracts between coordinated care
45 organizations and the Oregon Health Authority entered into, amended or renewed on or after

1 **January 1, 2028.**

2 “**SECTION 11.** ORS 743A.081 is amended to read:

3 “743A.081. (1) As used in this section[:],

4 “[(a)] ‘doula’ has the meaning given that term in ORS [414.667] **414.025**.

5 “[(b)] ‘Lactation counselor’ and ‘lactation educator’ have the meanings given those terms in ORS
6 676.665.]

7 “(2) A health benefit plan, as defined in ORS 743B.005, in this state that reimburses the cost of
8 pregnancy and childbirth expenses shall provide coverage for services provided by doulas[, *lactation
9 counselors and lactation educators*].

10 “(3) Covered services required under subsection (2) of this section shall include a minimum of
11 24 hours of services, in addition to labor and delivery services, regardless of birth outcome, with
12 an option for the health benefit plan to approve additional hours based on need.

13 “(4) Except for coverage of additional hours based on need as described in subsection (3) of this
14 section, the health benefit plan described in subsection (2) of this section may not require prior au-
15 thorization, a referral from another health care provider or a signature from or supervision by any
16 other health care provider for coverage of services described in this section.

17 “(5) A health benefit plan that provides the services described in subsection (2) of this section
18 shall provide information on how to access doulas[, *lactation counselors and lactation educators*] to
19 all enrollees.

20 “(6) The coverage required by subsection (2) of this section may be made subject to provisions
21 of the policy, certificate or contract that apply to other benefits under the policy, certificate or
22 contract, including, but not limited to, provisions related to deductibles and coinsurance.

23 “(7) The health benefit plan shall reimburse the cost for coverage of services described in this
24 section up to a total amount that is not less than \$3,760. On January 1 of each year, the Department
25 of Consumer and Business Services shall adjust the dollar limit provided by this subsection to reflect
26 the percentage changes in the Consumer Price Index for all Urban Consumers, West Region (All
27 Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or
28 a successor agency, and may vary from year to year.

29 “(8) This section is exempt from ORS 743A.001.

30 “**SECTION 12.** ORS 743A.081, as amended by section 11 of this 2026 Act, is amended to read:

31 “743A.081. (1) As used in this section, ‘doula’ [has the meaning given that term] **means a doula,
32 as defined in ORS 414.025, who is certified and registered by the Oregon Health Authority.**

33 “[(2) A health benefit plan, as defined in ORS 743B.005, in this state that reimburses the cost of
34 pregnancy and childbirth expenses shall provide coverage for services provided by doulas, *lactation
35 counselors and lactation educators*.]

36 “(2) **A health benefit plan, as defined in ORS 743B.005, in this state that provides coverage
37 for pregnancy and childbirth shall provide coverage for services provided by doulas up to
38 \$3760 of coverage per 12-month period under a plan or per calendar year.**

39 “(3) **If additional doula services are needed after the benefit amount specified in sub-
40 section (2) of this section is exhausted, a health benefit plan may approve the additional
41 services, subject to reasonable medical management techniques.**

42 “[(3) Covered services required under subsection (2) of this section shall include a minimum of 24
43 hours of services, in addition to labor and delivery services, regardless of birth outcome, with an option
44 for the health benefit plan to approve additional hours based on need.]

45 “(4) Except for [coverage of additional hours] **the approval of additional services** based on need

1 as described in subsection (3) of this section, the health benefit plan described in subsection (2) of
2 this section may not require prior authorization, a referral from another health care provider or a
3 signature from or supervision by any other health care provider for coverage of services described
4 in this section.

5 **“(5) A health benefit plan may develop payment models that enable the member to re-
6 ceive the following services within the benefit amount described in subsection (2) of this
7 section:**

8 **“(a) Support during labor and delivery; and**

9 **“(b) Approximately 12 visits or 24 hours, or a comparable combination thereof, of
10 prenatal or postpartum services.**

11 **“(6)(a) Covered services under subsection (2) of this section shall be limited to services
12 that relate directly to medical services covered by the health benefit plan.**

13 **“(b) The Department of Consumer and Business Services shall adopt rules specifying the
14 types of services that are not covered medical services and that are consistent with applica-
15 ble definitions and guidance adopted by the federal Internal Revenue Service on or before
16 the effective date of this 2026 Act.**

17 **“[(5)] (7) A health benefit plan that provides the services described in subsection (2) of this
18 section shall provide information on how to access doulas to all enrollees.**

19 **“[(6)] (8) The coverage required by subsection (2) of this section may be made subject to pro-
20 visions of the policy, certificate or contract that apply to other benefits under the policy, certificate
21 or contract, including, but not limited to, provisions related to deductibles and coinsurance.**

22 **“[(7) *The health benefit plan shall reimburse the cost for coverage of services described in this
23 section up to a total amount that is not less than \$3,760. On January 1 of each year, the Department
24 of Consumer and Business Services shall adjust the dollar limit provided by this subsection to reflect
25 the percentage changes in the Consumer Price Index for all Urban Consumers, West Region (All
26 Items), as published by the Bureau of Labor Statistics of the United States Department of Labor or a
27 successor agency, and may vary from year to year.]***

28 **“(9) Except as provided in subsection (3) of this section, a health benefit plan described
29 in subsection (2) of this section shall reimburse the cost of coverage of services up to a total
30 amount established in subsection (2) of this section. Beginning with the 2029 calendar year,
31 the Department of Consumer and Business Services shall annually adjust the maximum
32 amount of required coverage under subsection (2) of this section by multiplying the amount
33 by the percentage change in the monthly averaged Consumer Price Index for All Urban
34 Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the
35 United States Department of Labor, for the 12 consecutive months ending on the imme-
36 diately preceding December 31 compared to the monthly averaged Consumer Price Index for
37 All Urban Consumers, West Region (All Items), for the 12 consecutive months ending on
38 December 31, 2028.**

39 **“[(8)] (10) This section is exempt from ORS 743A.001.**

40 **“SECTION 13. (1) The amendments to ORS 743A.081 by section 12 of this 2026 Act apply
41 to health benefit plans that are issued, renewed or extended on or after January 1, 2028, and
42 to enrollees in a health benefit plan who receive services from a doula certified and regis-
43 tered by the Oregon Health Authority.**

44 **“(2) A health benefit plan that was issued, renewed or extended before January 1, 2028,
45 may provide covered services consistent with ORS 743A.081, as amended by section 12 of this**

1 **2026 Act, and enrollees in a health benefit plan that was issued, renewed or extended before**
2 **January 1, 2028, may receive services from a doula certified and registered by the Oregon**
3 **Health Authority.**

4 “**SECTION 14.** Section 21, chapter 539, Oregon Laws 2025, is amended to read:

5 **“Sec. 21.** The Department of Consumer and Business Services shall issue guidance on the im-
6 plementation of [section 17 of this 2025 Act] **ORS 743A.081**, including alignment with the rules and
7 requirements for doulas[, lactation counselors and lactation educators] as described by the Oregon
8 Health Authority.

9 “**SECTION 15.** **Section 16 of this 2026 Act is added to and made a part of the Insurance**
10 **Code.**

11 “**SECTION 16.** (1) As used in this section:

12 “(a) ‘Health benefit plan’ has the meaning given that term in **ORS 743B.005**.

13 “(b) ‘Lactation counselor’ has the meaning given that term in **section 21 of this 2026 Act**.

14 “(2) A health benefit plan issued in this state that provides coverage for pregnancy and
15 childbirth expenses shall provide coverage for services provided by lactation counselors and
16 may not require prior authorization, a referral from another health care provider, approval
17 or a signature from another health care provider or supervision by another health care
18 provider for coverage of services described in this section.

19 “(3) A health benefit plan that provides the services described in this section shall pro-
20 vide information on how to access lactation counselors to all enrollees.

21 “(4) The coverage described in this section may be made subject to provisions of the
22 health benefit plan that apply to other benefits under the plan, including but not limited to
23 provisions relating to deductibles or coinsurance.

24 “(5) The Department of Consumer and Business Services shall issue guidance on coverage
25 of lactation counselors required by this section and on the implementation of that required
26 coverage, including alignment with the rules and requirements for lactation counselors as
27 established by the Oregon Health Authority, to the extent practicable.

28 “**SECTION 17.** **Section 16 of this 2026 Act applies to health benefit plans that are issued,**
29 **renewed or extended on or after January 1, 2028, and to enrollees in health benefit plans is-**
30 **sued, renewed or extended on or after January 1, 2028.**

31 “**SECTION 18.** **ORS 676.380 is amended to read:**

32 “676.380. (1) As used in this section:

33 “(a) ‘Doula’ has the meaning given that term in **ORS 414.025**.

34 “(b) ‘Lactation counselor’ [and ‘lactation educator’ have the meanings given those terms in **ORS**
35 **676.665**] **has the meaning given that term in section 21 of this 2026 Act.**

36 “(c) ‘Community-based services during the perinatal period’ includes, but is not limited to, ser-
37 vices provided by a doula[,] **or** lactation counselor [or lactation educator] to a pregnant or
38 postpartum individual from conception through one year postpartum.

39 “(2)(a) The Oregon Health Authority shall establish a community-based perinatal services access
40 program to support activities that increase access to culturally specific and culturally competent
41 community-based services during the perinatal period. The program must issue grants **or contracts**
42 to eligible entities with a demonstrated ability to offer the activities described in this subsection,
43 including culturally specific organizations, the nine federally recognized **Indian** tribes in this state,
44 nonprofit organizations and businesses.

45 “(b) Grants **and contracts** issued under this section may be used for purposes including, but

1 not limited to:

2 “(A) Paying for costs of required training and education to provide community-based services
3 during the perinatal period, including tuition, fees, books and other materials and supplies;

4 “(B) Providing wages and financial benefits for individuals who are training to provide
5 community-based services during the perinatal period;

6 “(C) Outreach and recruitment to attract individuals to training programs to provide
7 community-based services during the perinatal period;

8 “(D) Funding for culturally specific **or community-based** organizations and programs to:

9 “(i) Establish or expand community-based services during the perinatal period;

10 “(ii) Support billing insurance for community-based services during the perinatal period;

11 “(iii) Provide training and mentoring for providers of community-based services during the
12 perinatal period; and

13 “(iv) Conduct consumer or provider education and research regarding community-based services
14 during the perinatal period; and

15 “(E) Funding to provide technical assistance related to billing and consumer or provider out-
16 reach and education to:

17 “(i) Doulas; and

18 “(ii) Organizations that employ doulas or contract with doulas to provide doula services.

19 “(3) An eligible entity that receives a grant **or contract** issued under this section may use the
20 grant **or contract** to provide funding to partner entities that are organized to meet the purposes
21 of the program.

22 “(4) The authority may administer the program directly or contract with a third party to ad-
23 minister the program. If the authority contracts with a third party, the third party must have ex-
24 perience in implementing state-funded grant programs that utilize community and stakeholder
25 engagement.

26 “(5) The authority may receive gifts, grants or contributions from any source, whether public
27 or private, to carry out the provisions of this section. Moneys received under this section shall be
28 deposited in the Community-Based Perinatal Services Access Fund established under ORS 676.383.

29 “**SECTION 19.** ORS 676.386 is amended to read:

30 “676.386. (1) As used in this section:

31 “(a) ‘Doula’ has the meaning given that term in ORS 414.025.

32 “(b) ‘Lactation counselor’ [and ‘lactation educator’ have the meanings given those terms in ORS
33 676.665] **has the meaning given that term in section 21 of this 2026 Act.**

34 “(2) To the extent practicable, a doula[,] **and** lactation counselor [or lactation educator] shall
35 strive to provide services that are culturally specific, as defined in ORS 413.256, to a client or pa-
36 tient.

37 “**SECTION 20. Section 21 of this 2026 Act is added to and made a part of ORS 676.665 to**
38 **676.689.**

39 “**SECTION 21.** (1) **As used in this section, ‘lactation counselor’ has the meaning given**
40 **that term by the Traditional Health Workers Commission by rule.**

41 “**(2) The commission shall adopt rules to establish a voluntary registration for lactation**
42 **counselors. The rules adopted under this section must include at least rules to:**

43 “(a) Establish continuing education requirements for lactation counselors;

44 “(b) Establish standards of practice for lactation counselors;

45 “(c) Establish a voluntary registration process and requirements for lactation counselors;

1 and

2 “(d) **Specify that a lactation counselor may provide services to a client who was pregnant**
3 **regardless of the client’s birth outcome.**

4 “**SECTION 22.** ORS 676.665 is amended to read:

5 “676.665. As used in ORS 676.665 to 676.689:

6 “(1) ‘Lactation consultant’ means a person licensed to practice lactation consultation.

7 “(2) ‘Lactation consultation’ means the clinical application of scientific principles and evidence
8 to provide care related to lactation to childbearing families. Lactation consultation includes, but is
9 not limited to:

10 “(a) Client assessment through systematic collection of data;

11 “(b) Data analysis;

12 “(c) Creation of a care plan;

13 “(d) Implementation of the care plan, including demonstration and instructions to clients and
14 communication with the clients’ primary care provider;

15 “(e) Evaluation of client outcomes;

16 “(f) Problem identification and treatment;

17 “(g) Recommendation and use of assistive devices; and

18 “(h) Lactation education to childbearing families and to health care providers.

19 “[3) ‘Lactation counselor’ means a person certified by the Academy of Lactation Policy and Practice,
20 or its successor organization, as approved by the Health Licensing Office by rule, as a clinical
21 lactation care provider who has demonstrated the necessary skills, knowledge and attitude to provide
22 clinical support to families that are thinking, or have questions, about breastfeeding or that have
23 problems with breastfeeding.]

24 “[4) ‘Lactation educator’ means a person certified by the Childbirth and Postpartum Professional
25 Association, or its successor organization, as approved by the office by rule, as a certified lactation
26 educator to educate, counsel and support families by providing evidence-based information about
27 lactation and breastfeeding.]

28 “**SECTION 23.** ORS 676.665, as amended by section 22 of this 2026 Act, is amended to read:

29 “676.665. As used in ORS 676.665 to 676.689:

30 “(1) ‘Lactation consultant’ means a person licensed to practice lactation consultation.

31 “(2) ‘Lactation consultation’ means the clinical application of scientific principles and evidence
32 to provide care related to lactation to childbearing families. Lactation consultation includes, but is
33 not limited to:

34 “(a) Client assessment through systematic collection of data;

35 “(b) Data analysis;

36 “(c) Creation of a care plan;

37 “(d) Implementation of the care plan, including demonstration and instructions to clients and
38 communication with the clients’ primary care provider;

39 “(e) Evaluation of client outcomes;

40 “(f) Problem identification and treatment;

41 “(g) Recommendation and use of assistive devices; and

42 “(h) Lactation education to childbearing families and to health care providers.

43 “**(3) ‘Lactation counselor’ has the meaning given that term in section 21 of this 2026 Act.**

44 “**SECTION 24. ORS 676.671 is repealed.**

45 “**SECTION 25. (1) There is created the Oregon Perinatal Collaborative in the Oregon**

1 **Health and Science University.**

2 **“(2) The responsibilities of the Oregon Perinatal Collaborative shall include:**

3 **“(a) Coordinating statewide efforts for quality improvement in maternal and infant**
4 **health; and**

5 **“(b) Developing policy recommendations to further maternal and infant health.**

6 **“SECTION 26. An entity that received a grant under ORS 676.380 before the operative**
7 **date specified in section 27 of this 2026 Act for purposes related to lactation counselors or**
8 **lactation educators may use the grant for purposes related to lactation counselors on and**
9 **after the operative date specified in section 27 of this 2026 Act.**

10 **“SECTION 27. (1) Sections 9, 16 and 21 of this 2026 Act and the amendments to ORS**
11 **414.668, 743A.081 and 676.665 by sections 5, 12 and 23 of this 2026 Act become operative on**
12 **January 1, 2028.**

13 **“(2) The Oregon Health Authority, the Department of Consumer and Business Services,**
14 **a coordinated care organization and an insurer may take any action before the operative date**
15 **specified in subsection (1) of this section that is necessary to enable those entities to exer-**
16 **cise, on and after the operative date specified in subsection (1) of this section, all of the du-**
17 **ties, functions and powers conferred on those entities by sections 9, 16 and 21 of this 2026**
18 **Act and the amendments to ORS 414.668, 743A.081 and 676.665 by sections 5, 12 and 23 of this**
19 **2026 Act.**

20 **“SECTION 28. This 2026 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2026 Act takes effect**
22 **on its passage.”.**

23
