
ASSEMBLY BILL NO. 256—ASSEMBLYMEN SUMMERS-ARMSTRONG,
GONZÁLEZ; ANDERSON, BILBRAY-AXELROD, FLORES,
MARZOLA, BRITTNEY MILLER, C.H. MILLER,
ORENTLICHER AND THOMAS

MARCH 12, 2021

Referred to Committee on Health and Human Services

SUMMARY—Provides for Medicaid coverage of doula services.
(BDR 38-849)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage of doula services to the extent authorized by federal law; requiring the Department of Health and Human Services to apply for a waiver or State Plan amendment to receive federal funding for coverage of doula services; requiring any person who desires to provide doula services to a recipient of Medicaid to register with the Division of Health Care Financing and Policy of the Department; requiring a registered doula to report the abuse of certain persons; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the Department of Health and Human Services to develop
2 and administer the State Plan for Medicaid, which must include specific medical
3 services required to be provided to recipients of Medicaid. (NRS 422.063, 422.270)
4 Existing law requires: (1) the Director of the Department to include in the State
5 Plan a requirement that the State pay the nonfederal share of expenditures for
6 certain medical services; and (2) the Department to apply to the United States
7 Department of Health and Human Services for a waiver of certain provisions of
8 federal law or an amendment of the State Plan to authorize the receipt of federal
9 funding to provide certain medical services to recipients of Medicaid. (NRS
10 422.270-422.27495) **Section 1** of this bill requires the Director to include in the
11 State Plan a requirement that the State pay certain costs for doula services provided
12 to Medicaid recipients. **Section 1** also requires the Department to apply for a
13 waiver of federal Medicaid requirements or request to amend the State Plan to



14 receive federal funding to provide coverage of doula services. Finally, **section 1**
15 requires a doula who desires to provide doula services for a recipient of Medicaid
16 to register with the Division of Health Care Financing and Policy of the
17 Department. **Section 4** of this bill makes a conforming change by including the
18 duties listed in **section 1** among the duties the Director of the Department is
19 required to fulfill.

20 Existing law requires certain persons in their professional or occupational
21 capacity to report the suspected abuse, neglect, exploitation, isolation or
22 abandonment of older or vulnerable persons or the suspected abuse or neglect of a
23 child. (NRS 200.5093, 432B.220) **Sections 2 and 3** of this bill expand these
24 reporting requirements to a registered doula.

1 WHEREAS, The process of childbirth poses mortal risk to both
2 the mother and her child; and

3 WHEREAS, Doulas provide physical and emotional support,
4 accurate information concerning pregnancy, childbirth and the care
5 of newborns and unwavering advocacy to women during pregnancy,
6 labor, childbirth and the post-partum period; and

7 WHEREAS, Low-income women rarely have access to the
8 essential services provided by doulas; and

9 WHEREAS, To reduce the risk posed to a mother and her child
10 by the process of childbirth, it is necessary to expand access to
11 nonmedical doula services; now, therefore,

12
13 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
14 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
15

16 **Section 1.** Chapter 422 of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *1. The Director shall, to the extent authorized by federal law,*
19 *include in the State Plan for Medicaid a requirement that the State*
20 *pay the nonfederal share of expenditures incurred for doula*
21 *services provided by a registered doula.*

22 *2. The Department shall apply to the Secretary of Health and*
23 *Human Services for a waiver granted pursuant to 42 U.S.C. §*
24 *1315 or apply for an amendment of the State Plan for Medicaid*
25 *that authorizes the Department to receive federal funding to*
26 *include in the State Plan for Medicaid coverage of doula services*
27 *provided by a registered doula. The Department shall fully*
28 *cooperate in good faith with the Federal Government during the*
29 *application process to satisfy the requirements of the Federal*
30 *Government for obtaining a waiver or amendment pursuant to this*
31 *section.*

32 *3. A person who wishes to receive reimbursement through the*
33 *Medicaid program for doula services provided to a recipient of*
34 *Medicaid must submit to the Division:*



1 (a) *An application for registration in the form prescribed by*
2 *the Division;*

3 (b) *Proof that he or she possesses the required training and*
4 *qualifications prescribed by the Division pursuant to subsection 4;*
5 *and*

6 (c) *Any fee for registration prescribed by the Division.*

7 4. *The Division, in consultation with community-based*
8 *organizations that provide services to pregnant women in this*
9 *State, shall adopt regulations prescribing the required training*
10 *and qualifications for registration as a doula pursuant to this*
11 *section.*

12 5. *As used in this section:*

13 (a) *“Doula services” means services to provide education and*
14 *support relating to childbirth, including, without limitation,*
15 *emotional and physical support provided during pregnancy, labor,*
16 *birth and the postpartum period.*

17 (b) *“Registered doula” means a doula who is registered with*
18 *the Division.*

19 **Sec. 2.** NRS 432B.220 is hereby amended to read as follows:

20 432B.220 1. Any person who is described in subsection 4
21 and who, in his or her professional or occupational capacity, knows
22 or has reasonable cause to believe that a child has been abused or
23 neglected shall:

24 (a) Except as otherwise provided in subsection 2, report the
25 abuse or neglect of the child to an agency which provides child
26 welfare services or to a law enforcement agency; and

27 (b) Make such a report as soon as reasonably practicable but not
28 later than 24 hours after the person knows or has reasonable cause to
29 believe that the child has been abused or neglected.

30 2. If a person who is required to make a report pursuant to
31 subsection 1 knows or has reasonable cause to believe that the abuse
32 or neglect of the child involves an act or omission of:

33 (a) A person directly responsible or serving as a volunteer for or
34 an employee of a public or private home, institution or facility
35 where the child is receiving child care outside of the home for a
36 portion of the day, the person shall make the report to a law
37 enforcement agency.

38 (b) An agency which provides child welfare services or a law
39 enforcement agency, the person shall make the report to an agency
40 other than the one alleged to have committed the act or omission,
41 and the investigation of the abuse or neglect of the child must be
42 made by an agency other than the one alleged to have committed the
43 act or omission.



1 3. Any person who is described in paragraph (a) of subsection
2 4 who delivers or provides medical services to a newborn infant and
3 who, in his or her professional or occupational capacity, knows or
4 has reasonable cause to believe that the newborn infant has been
5 affected by a fetal alcohol spectrum disorder or prenatal substance
6 use disorder or has withdrawal symptoms resulting from prenatal
7 substance exposure shall, as soon as reasonably practicable but not
8 later than 24 hours after the person knows or has reasonable cause to
9 believe that the newborn infant is so affected or has such symptoms,
10 notify an agency which provides child welfare services of the
11 condition of the infant and refer each person who is responsible for
12 the welfare of the infant to an agency which provides child welfare
13 services for appropriate counseling, training or other services. A
14 notification and referral to an agency which provides child welfare
15 services pursuant to this subsection shall not be construed to require
16 prosecution for any illegal action.

17 4. A report must be made pursuant to subsection 1 by the
18 following persons:

19 (a) A person providing services licensed or certified in this State
20 pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632,
21 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C,
22 640D, 640E, 641, 641A, 641B, 641C or 653 of NRS.

23 (b) Any personnel of a medical facility licensed pursuant to
24 chapter 449 of NRS who are engaged in the admission, examination,
25 care or treatment of persons or an administrator, manager or other
26 person in charge of such a medical facility upon notification of
27 suspected abuse or neglect of a child by a member of the staff of the
28 medical facility.

29 (c) A coroner.

30 (d) A member of the clergy, practitioner of Christian Science or
31 religious healer, unless the person has acquired the knowledge of the
32 abuse or neglect from the offender during a confession.

33 (e) A person employed by a public school or private school and
34 any person who serves as a volunteer at such a school.

35 (f) Any person who maintains or is employed by a facility or
36 establishment that provides care for children, children's camp or
37 other public or private facility, institution or agency furnishing care
38 to a child.

39 (g) Any person licensed pursuant to chapter 424 of NRS to
40 conduct a foster home.

41 (h) Any officer or employee of a law enforcement agency or an
42 adult or juvenile probation officer.

43 (i) Except as otherwise provided in NRS 432B.225, an attorney.

44 (j) Any person who maintains, is employed by or serves as a
45 volunteer for an agency or service which advises persons regarding



1 abuse or neglect of a child and refers them to persons and agencies
2 where their requests and needs can be met.

3 (k) Any person who is employed by or serves as a volunteer for
4 a youth shelter. As used in this paragraph, "youth shelter" has the
5 meaning ascribed to it in NRS 244.427.

6 (l) Any adult person who is employed by an entity that provides
7 organized activities for children, including, without limitation, a
8 person who is employed by a school district or public school.

9 *(m) Any person who is registered to provide doula services to*
10 *recipients of Medicaid pursuant to section 1 of this act.*

11 5. A report may be made by any other person.

12 6. If a person who is required to make a report pursuant to
13 subsection 1 knows or has reasonable cause to believe that a child
14 has died as a result of abuse or neglect, the person shall, as soon as
15 reasonably practicable, report this belief to an agency which
16 provides child welfare services or a law enforcement agency. If such
17 a report is made to a law enforcement agency, the law enforcement
18 agency shall notify an agency which provides child welfare services
19 and the appropriate medical examiner or coroner of the report. If
20 such a report is made to an agency which provides child welfare
21 services, the agency which provides child welfare services shall
22 notify the appropriate medical examiner or coroner of the report.
23 The medical examiner or coroner who is notified of a report
24 pursuant to this subsection shall investigate the report and submit
25 his or her written findings to the appropriate agency which provides
26 child welfare services, the appropriate district attorney and a law
27 enforcement agency. The written findings must include, if
28 obtainable, the information required pursuant to the provisions of
29 subsection 2 of NRS 432B.230.

30 7. The agency, board, bureau, commission, department,
31 division or political subdivision of the State responsible for the
32 licensure, certification or endorsement of a person who is described
33 in subsection 4 and who is required in his or her professional or
34 occupational capacity to be licensed, certified or endorsed in this
35 State shall, at the time of initial licensure, certification or
36 endorsement:

37 (a) Inform the person, in writing or by electronic
38 communication, of his or her duty as a mandatory reporter pursuant
39 to this section;

40 (b) Obtain a written acknowledgment or electronic record from
41 the person that he or she has been informed of his or her duty
42 pursuant to this section; and

43 (c) Maintain a copy of the written acknowledgment or electronic
44 record for as long as the person is licensed, certified or endorsed in
45 this State.



1 8. The employer of a person who is described in subsection 4
2 and who is not required in his or her professional or occupational
3 capacity to be licensed, certified or endorsed in this State must, upon
4 initial employment of the person:

5 (a) Inform the person, in writing or by electronic
6 communication, of his or her duty as a mandatory reporter pursuant
7 to this section;

8 (b) Obtain a written acknowledgment or electronic record from
9 the person that he or she has been informed of his or her duty
10 pursuant to this section; and

11 (c) Maintain a copy of the written acknowledgment or electronic
12 record for as long as the person is employed by the employer.

13 9. Before a person may serve as a volunteer at a public school
14 or private school, the school must:

15 (a) Inform the person, in writing or by electronic
16 communication, of his or her duty as a mandatory reporter pursuant
17 to this section and NRS 392.303;

18 (b) Obtain a written acknowledgment or electronic record from
19 the person that he or she has been informed of his or her duty
20 pursuant to this section and NRS 392.303; and

21 (c) Maintain a copy of the written acknowledgment or electronic
22 record for as long as the person serves as a volunteer at the school.

23 10. As used in this section:

24 (a) "Private school" has the meaning ascribed to it in
25 NRS 394.103.

26 (b) "Public school" has the meaning ascribed to it in
27 NRS 385.007.

28 **Sec. 3.** NRS 200.5093 is hereby amended to read as follows:

29 200.5093 1. Any person who is described in subsection 4 and
30 who, in a professional or occupational capacity, knows or has
31 reasonable cause to believe that an older person or vulnerable
32 person has been abused, neglected, exploited, isolated or abandoned
33 shall:

34 (a) Except as otherwise provided in subsection 2, report the
35 abuse, neglect, exploitation, isolation or abandonment of the older
36 person or vulnerable person to:

37 (1) The local office of the Aging and Disability Services
38 Division of the Department of Health and Human Services;

39 (2) A police department or sheriff's office; or

40 (3) A toll-free telephone service designated by the Aging and
41 Disability Services Division of the Department of Health and
42 Human Services; and

43 (b) Make such a report as soon as reasonably practicable but not
44 later than 24 hours after the person knows or has reasonable cause to



1 believe that the older person or vulnerable person has been abused,
2 neglected, exploited, isolated or abandoned.

3 2. If a person who is required to make a report pursuant to
4 subsection 1 knows or has reasonable cause to believe that the
5 abuse, neglect, exploitation, isolation or abandonment of the older
6 person or vulnerable person involves an act or omission of the
7 Aging and Disability Services Division, another division of the
8 Department of Health and Human Services or a law enforcement
9 agency, the person shall make the report to an agency other than the
10 one alleged to have committed the act or omission.

11 3. Each agency, after reducing a report to writing, shall forward
12 a copy of the report to the Aging and Disability Services Division of
13 the Department of Health and Human Services and the Unit for the
14 Investigation and Prosecution of Crimes.

15 4. A report must be made pursuant to subsection 1 by the
16 following persons:

17 (a) Every physician, dentist, dental hygienist, chiropractor,
18 optometrist, podiatric physician, medical examiner, resident, intern,
19 professional or practical nurse, physician assistant licensed pursuant
20 to chapter 630 or 633 of NRS, perfusionist, psychiatrist,
21 psychologist, marriage and family therapist, clinical professional
22 counselor, clinical alcohol and drug counselor, alcohol and drug
23 counselor, music therapist, athletic trainer, driver of an ambulance,
24 paramedic, licensed dietitian, holder of a license or a limited license
25 issued under the provisions of chapter 653 of NRS or other person
26 providing medical services licensed or certified to practice in this
27 State, who examines, attends or treats an older person or vulnerable
28 person who appears to have been abused, neglected, exploited,
29 isolated or abandoned.

30 (b) Any personnel of a hospital or similar institution engaged in
31 the admission, examination, care or treatment of persons or an
32 administrator, manager or other person in charge of a hospital or
33 similar institution upon notification of the suspected abuse, neglect,
34 exploitation, isolation or abandonment of an older person or
35 vulnerable person by a member of the staff of the hospital.

36 (c) A coroner.

37 (d) Every person who maintains or is employed by an agency to
38 provide personal care services in the home.

39 (e) Every person who maintains or is employed by an agency to
40 provide nursing in the home.

41 (f) Every person who operates, who is employed by or who
42 contracts to provide services for an intermediary service
43 organization as defined in NRS 449.4304.



1 (g) Any employee of the Department of Health and Human
2 Services, except the State Long-Term Care Ombudsman appointed
3 pursuant to NRS 427A.125 and any of his or her advocates or
4 volunteers where prohibited from making such a report pursuant to
5 45 C.F.R. § 1321.11.

6 (h) Any employee of a law enforcement agency or a county's
7 office for protective services or an adult or juvenile probation
8 officer.

9 (i) Any person who maintains or is employed by a facility or
10 establishment that provides care for older persons or vulnerable
11 persons.

12 (j) Any person who maintains, is employed by or serves as a
13 volunteer for an agency or service which advises persons regarding
14 the abuse, neglect, exploitation, isolation or abandonment of an
15 older person or vulnerable person and refers them to persons and
16 agencies where their requests and needs can be met.

17 (k) Every social worker.

18 (l) Any person who owns or is employed by a funeral home or
19 mortuary.

20 (m) Every person who operates or is employed by a peer support
21 recovery organization, as defined in NRS 449.01563.

22 (n) Every person who operates or is employed by a community
23 health worker pool, as defined in NRS 449.0028, or with whom a
24 community health worker pool contracts to provide the services of a
25 community health worker, as defined in NRS 449.0027.

26 *(o) Every person who is registered to provide doula services to*
27 *recipients of Medicaid pursuant to section 1 of this act.*

28 5. A report may be made by any other person.

29 6. If a person who is required to make a report pursuant to
30 subsection 1 knows or has reasonable cause to believe that an older
31 person or vulnerable person has died as a result of abuse, neglect,
32 isolation or abandonment, the person shall, as soon as reasonably
33 practicable, report this belief to the appropriate medical examiner or
34 coroner, who shall investigate the cause of death of the older person
35 or vulnerable person and submit to the appropriate local law
36 enforcement agencies, the appropriate prosecuting attorney, the
37 Aging and Disability Services Division of the Department of Health
38 and Human Services and the Unit for the Investigation and
39 Prosecution of Crimes his or her written findings. The written
40 findings must include the information required pursuant to the
41 provisions of NRS 200.5094, when possible.

42 7. A division, office or department which receives a report
43 pursuant to this section shall cause the investigation of the report to
44 commence within 3 working days. A copy of the final report of the
45 investigation conducted by a division, office or department, other



1 than the Aging and Disability Services Division of the Department
2 of Health and Human Services, must be forwarded within 30 days
3 after the completion of the report to the:

4 (a) Aging and Disability Services Division;

5 (b) Repository for Information Concerning Crimes Against
6 Older Persons or Vulnerable Persons created by NRS 179A.450;
7 and

8 (c) Unit for the Investigation and Prosecution of Crimes.

9 8. If the investigation of a report results in the belief that an
10 older person or vulnerable person is abused, neglected, exploited,
11 isolated or abandoned, the Aging and Disability Services Division
12 of the Department of Health and Human Services or the county's
13 office for protective services may provide protective services to the
14 older person or vulnerable person if the older person or vulnerable
15 person is able and willing to accept them.

16 9. A person who knowingly and willfully violates any of the
17 provisions of this section is guilty of a misdemeanor.

18 10. As used in this section, "Unit for the Investigation and
19 Prosecution of Crimes" means the Unit for the Investigation and
20 Prosecution of Crimes Against Older Persons or Vulnerable Persons
21 in the Office of the Attorney General created pursuant to
22 NRS 228.265.

23 **Sec. 4.** NRS 232.320 is hereby amended to read as follows:

24 232.320 1. The Director:

25 (a) Shall appoint, with the consent of the Governor,
26 administrators of the divisions of the Department, who are
27 respectively designated as follows:

28 (1) The Administrator of the Aging and Disability Services
29 Division;

30 (2) The Administrator of the Division of Welfare and
31 Supportive Services;

32 (3) The Administrator of the Division of Child and Family
33 Services;

34 (4) The Administrator of the Division of Health Care
35 Financing and Policy; and

36 (5) The Administrator of the Division of Public and
37 Behavioral Health.

38 (b) Shall administer, through the divisions of the Department,
39 the provisions of chapters 63, 424, 425, 427A, 432A to 442,
40 inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS
41 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and*
42 *section 1 of this act*, 422.580, 432.010 to 432.133, inclusive,
43 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive,
44 and 445A.010 to 445A.055, inclusive, and all other provisions of
45 law relating to the functions of the divisions of the Department, but



1 is not responsible for the clinical activities of the Division of Public
2 and Behavioral Health or the professional line activities of the other
3 divisions.

4 (c) Shall administer any state program for persons with
5 developmental disabilities established pursuant to the
6 Developmental Disabilities Assistance and Bill of Rights Act of
7 2000, 42 U.S.C. §§ 15001 et seq.

8 (d) Shall, after considering advice from agencies of local
9 governments and nonprofit organizations which provide social
10 services, adopt a master plan for the provision of human services in
11 this State. The Director shall revise the plan biennially and deliver a
12 copy of the plan to the Governor and the Legislature at the
13 beginning of each regular session. The plan must:

14 (1) Identify and assess the plans and programs of the
15 Department for the provision of human services, and any
16 duplication of those services by federal, state and local agencies;

17 (2) Set forth priorities for the provision of those services;

18 (3) Provide for communication and the coordination of those
19 services among nonprofit organizations, agencies of local
20 government, the State and the Federal Government;

21 (4) Identify the sources of funding for services provided by
22 the Department and the allocation of that funding;

23 (5) Set forth sufficient information to assist the Department
24 in providing those services and in the planning and budgeting for the
25 future provision of those services; and

26 (6) Contain any other information necessary for the
27 Department to communicate effectively with the Federal
28 Government concerning demographic trends, formulas for the
29 distribution of federal money and any need for the modification of
30 programs administered by the Department.

31 (e) May, by regulation, require nonprofit organizations and state
32 and local governmental agencies to provide information regarding
33 the programs of those organizations and agencies, excluding
34 detailed information relating to their budgets and payrolls, which the
35 Director deems necessary for the performance of the duties imposed
36 upon him or her pursuant to this section.

37 (f) Has such other powers and duties as are provided by law.

38 2. Notwithstanding any other provision of law, the Director, or
39 the Director's designee, is responsible for appointing and removing
40 subordinate officers and employees of the Department.

41 **Sec. 5.** 1. This section becomes effective upon passage and
42 approval.

43 2. Sections 1 to 4, inclusive, of this act become effective:



- 1 (a) Upon passage and approval for the purpose of adopting any
- 2 regulations and performing any other preparatory administrative
- 3 tasks that are necessary to carry out the provisions of this act; and
- 4 (b) On January 1, 2022, for all other purposes.

