

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by
5 adding Sections 5-18.6 and 5-18.7 as follows:

6 (305 ILCS 5/5-18.6 new)

7 Sec. 5-18.6. Doula policies; hospitals and birthing
8 centers.

9 (a) Recognizing the importance that doulas provide in the
10 support and advocacy for pregnant persons, within 6 months
11 after this amendatory Act of the 104th General Assembly, all
12 hospitals with licensed obstetric beds and birthing centers
13 shall adopt and maintain written policies and procedures to
14 permit a patient enrolled in the medical assistance program to
15 have an Illinois Medicaid certified and enrolled doula of the
16 patient's choice accompany the patient within the facility's
17 premises for the purposes of providing support before, during,
18 and after labor and childbirth.

19 (1) An Illinois Medicaid certified and enrolled doula
20 shall not be counted as a support person or against the
21 quest quota before, during, or after childbirth.

22 (2) Each applicable facility shall post a summary of
23 the facility's policies and procedures adopted in

1 accordance with this subsection on its website, including
2 contact information to facilitate communication between
3 the facility and Illinois Medicaid enrolled doulas and
4 doula organizations.

5 (b) Nothing in this Section shall be construed to provide
6 a doula with access to a patient when that access is
7 inconsistent with generally accepted medical standards or
8 practices.

9 (c) Nothing in this Section is intended to expand or limit
10 the malpractice liability of a hospital beyond the limits
11 existing in current Illinois statutory and common law;
12 however, no hospital shall be liable for any act or omission
13 resulting from the provision of services by any doula solely
14 on the basis that the hospital permitted an Illinois Medicaid
15 certified and enrolled doula of the patient's choice to
16 accompany the patient within the facility's premises for the
17 purposes of providing support before, during, and after labor
18 and childbirth. The hospital and Illinois Medicaid certified
19 and enrolled doula providing care are responsible for their
20 own acts and omissions.

21 (d) At the request of the hospital or birthing facility,
22 Illinois Medicaid enrolled doulas must provide written
23 acknowledgment of Illinois Medicaid doula certification and
24 enrollment in the medical assistance program.

1 Sec. 5-18.7. Standing recommendations. The Department of
2 Healthcare and Family Services and the Department of Public
3 Health may establish standing recommendations to meet Centers
4 for Medicare and Medicaid Services requirements and ensure
5 access to preventive services, including Medicaid-covered
6 maternal and reproductive health supports and services, such
7 as, but not limited to, doulas, lactation consultants, home
8 visitors, community health workers, and 1115 Waiver services.
9 No employee of the Department of Healthcare and Family
10 Services or the Department of Public Health issuing a standing
11 recommendation in accordance with this Section shall, as a
12 result of the employee's acts or omissions in issuing the
13 standing recommendation, be subject to (i) any disciplinary or
14 other adverse action under the Medical Practice Act of 1987,
15 (ii) any civil liability, or (iii) any criminal liability.