

Opponent Testimony of Marie McCausland, PhD, MPH, CPD, CLC on Rule 4723-24 (01-07)

**Joint Committee on Agency Rule Review
September 9th, 2024**

House Chairperson Callender and Senate Chairperson Gavarone and Representatives and Senators of the Joint Committee on Agency Rule Review, I thank you for the opportunity to discuss the negative impact that Rule 4723-24 will have on Doulas and birthing individuals in the state of Ohio. My name is Marie McCausland, PhD, MPH, Certified Postpartum Doula, and Certified Lactation Consultant. I am the Chair of the Doula Advisory Group for the Board of Nursing and a survivor of postpartum preeclampsia following the birth of my son in 2017, and massive hemorrhage needing a blood transfusion, sepsis, and postpartum preeclampsia following the birth of my daughter in 2023. This work in the maternal health space is deeply personal for me, which is why I applied to participate in the Doula Advisory Group and stepped up to be the chair.

In Ohio, over 67 thousand births were covered by Medicaid in 2020, which was ~53% of Ohio births. If most doulas take between 1-3 clients per month, Ohio would need around 3000 doulas to support these Medicaid clients. In the absence of workforce data, it is likely that Ohio will need to be adding to this workforce in order to meet the needs of the Medicaid population.

We need to grow the Doula workforce in Ohio, but if these rules go into effect as written I foresee continued loss of life, continued cost of care burdens and a loss in the doula workforce as agency certified doulas leave the state to avoid fines for representing themselves as “Certified Doulas”.

The ORC states:

“Beginning on October 3, 2024, a person shall not use or assume the title “certified doula” unless the person holds a certificate issued under this section by the board of nursing”.

I don't believe it was the intent of the legislature to protect the title "Certified Doula" to mean both "Agency certified" and "State Certified" such that current doulas with certificates from one of the hundreds of agencies would be violating the law in Ohio by sharing their credentials. Certainly, when I testified as a proponent of HB142 on Doula Services, I thought that the language "certified doula" was being interpreted as "State-certified doula" or the certification created in the bill. Representative Humphrey and Representative Skindell, you were both cosponsors of HB142 and Chairperson Callender and Representative Hillyer you voted HB142. Senator Craig you were a cosponsor of Senate Bill 93, a similar doula bill with updated language that ended up added to HB101 which was passed in the Senate unanimously and the House with 82 yays. I ask all of you to think back on if this was how you had interpreted the section of the bill on title protection.

Even the Board of Nursing recognizes the validity of calling agency-certified doulas, "Certified Doulas" given they currently list the 5 members of the Doula advisory group with Agency certifications as "Certified Doulas". During our meetings, we have pointed out several times that if these Doula Advisory Group members do not choose to become certified by the State, that their website will be in violation of the rules by calling them a "Certified Doula" but they haven't changed it, so the title protection clearly isn't that important to them right now. Additionally, the Doula Advisory Group was informed that legal counsel for the Board of Nursing will be requesting the Board of Nursing to utilize their legislative liaison to push for language changes surrounding this title protection. During last week's Doula Advisory Group meeting it was shared by staff that the Board of Nursing doesn't plan to actually protect this title and seek out and sanction individuals who use "Certified Doula" post October 3rd.

Both DONA and CAPPA, two of the largest doula certifying organizations have shared comments that they plan to continue to advise their doulas in the state of Ohio to use their

earned title of “Certified Doula”. I have asked if there is a recommendation by the Board of Nursing for what agency- certified doulas should call themselves post October 3rd and we have been told there is no recommendation.

To fix this, I am asking for you to call for a change in the language of the definition of “certified doula”

In the definition of terms

4723-24-01 (D)

““Certified Doula” means an individual who holds a certificate to practice issued or renewed by the board under section 4723.89 of the Revised Code. **not to be confused with the agency certifications provided by a doula certification organization.**” .

I also urge you to not allow Chapter 4723-24-07 concerning Disciplinary Actions to move forward. The largest section of the rules is the Disciplinary section, even though it was not part of the ORC. Much of the public comment regarded the disciplinary section and folks were especially concerned with the potential for racial bias given the need for culturally competent doulas to address the disparities for Black mothers in maternal mortality and infant mortality, which would be disciplined by the Board of Nursing which currently has zero Black individuals.

Doulas are rightfully concerned and the Board of Nursing is neither addressing these comments in changes to the rules or even in public meetings where they could assuage these concerns with commitments to addressing any potential bias, having doulas part of the disciplinary process, or even committing to adhere to the same standards of racial bias training being requested of our doulas in the state.

I urge you to not allow Chapter 4723-23-07 to move forward as it was not required by statute and could be moved forward after changes to the ORC that allow for doulas to be a larger part of the disciplinary action process. The department of Medicaid can begin

reimbursing doulas even if this section is not moved, and it would go a long way towards making doulas in the state feel heard.

Thank you for your time.



JCARR Testimony September 9, 2024

Chair Callender, Chair Gavarone, and members of the Joint Committee on Agency Rule Review,

Thank you for the opportunity to provide testimony today. My name is Abbie Sigmon and I am the executive director of the Ohio Association for Gifted Children (OAGC). With nearly 1,000 members, OAGC promotes and supports the development of gifted students in Ohio by advocating on their behalf.

There are 225,000 identified gifted students in Ohio. Comparatively, we have fewer than 940 Gifted Intervention Specialists (GISs) and fewer than 1150 gifted staff - including ESC staff. While I will be discussing specific sections of the Gifted Rule, it is important to note that these ratios of gifted staff to gifted students are deeply unsatisfactory and directly contributes to the daily burnout, struggles, and exhaustion of gifted staff.

I am here to provide testimony regarding ORC 3301-51-15, operating standards for identifying and serving students who are gifted.

As mentioned during the July 22nd hearing, OAGC continued to have three major concerns regarding that draft of the rule. First, we expressed our concern regarding professional development hours for general education teachers. Second, we expressed our concern regarding the removal of No Service letters. And finally, we expressed our concerns regarding the corrective action plan following an audit.

Instead of belaboring the point that general education teachers ought to have a defined number of gifted professional development hours, I'd like to share with you all an excerpt from testimony provided from an OAGC member to this committee over six years ago. This member began their professional career as a general education teacher who then pursued further education to become a gifted teacher. What better perspective is there to underscore the need for defined gifted professional development hours?

"I began to reflect on my general classroom experiences and had many "a-ha" moments. My attitudes and strategies in dealing with gifted students began to evolve and had a profound effect on my thinking and actions. I was assigned to the gifted resource room for six years. It was the hardest work I had done in my career."

"In 2000, I left the gifted classroom to become the district's gifted services supervisor. A part of my responsibilities was to act as a liaison between gifted students and their families and the teachers and administrators in the district. In some cases, I was more of a referee between frustrated parents who were just beginning to understand the need for and language of advocacy on behalf of their child and educators



JCARR Testimony September 9, 2024

who were resistant to acknowledging that any gifted student might need accommodations to provide support and ensure growth.”

“[A] gifted student, with an IQ of 130 or above and/or in the top 5% in a specific area is as far from the mean as a student with an IQ of 70 or below and in the lowest 5% in a specific area. The recommended hours of professional development specific to gifted education would have helped all educators understand and be able to act on that information.”

The Gifted Rule filed on August 21st has no defined professional development hours for general education teachers. As a reminder, the draft of the Gifted Rule released on January 12, 2024 included language that required five hours of ongoing professional development for general education teachers. This requirement was both supported by OAGC and the Ohio Education Association (OEA). Even with the support of both of those associations, ODEW replaced that language citing a desire to remain less authoritative. This is a frustrating step backwards in ensuring gifted students are recognized, differentiated, and taught according to their needs.

OAGC continues to be concerned with the removal of a corrective plan following an audit which was located in the original draft of this rule. Parents or other individuals should be allowed to file a gifted education complaint and request that ODEW investigate alleged violations of either Chapter 3324 of the ORC or the Gifted Rule. After an investigation, districts will be provided an opportunity to respond to allegations. The department could then proceed with corrective action after a gifted education complaint investigation was completed. The removal of this language eliminates support for families trying to advocate for gifted children - an already difficult process.

We are thankful that letters of no services have been added into the rule. As mentioned in my previous testimony, this language requires that districts will develop and disseminate to parents or guardians a ‘no services’ letter which clearly communicates that a student is not receiving services. Ohio mandates the identification of gifted students, but the service of gifted students is not mandated. No services letters are a powerful tool that would provide parents and guardians of gifted children ongoing updates on gifted services. Thank you, specifically to Representative Skindell, for standing up for parents’ and guardians’ ability to advocate on behalf of their gifted child.

Thank you to this committee for considering OAGC’s feedback on the Gifted Rule. While we are still disheartened at the removal of two crucial sections, we are excited to work with members of this committee on future legislation. I’d specifically like to thank Rep. Skindell, Sen. Brenner, and Sen. DeMora for their assistance during this process. I am happy to address any questions or concerns at this time.