

OFFICE OF THE SECRETARY OF STATE

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 291
DEPARTMENT OF CORRECTIONS

FILED

06/13/2024 12:50 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Health Services (Doula Services)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/02/2024 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

The purpose of these rules is to specify the level of healthcare services to be provided to adults in custody (AIC) under the custody of the Department of Corrections and establish department policies and procedures for reimbursement to those hospitals and community-based healthcare professionals providing inpatient and outpatient services to AICs. OAR 291-124-0200 establishes a doula program, describes the doula services that may be available in this new program, and ensures that doula services are available for adults in custody as provided by ORS 421.173.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

ORS 421.173 (<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB2535/Enrolled>)

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

Adoption of the proposed rule, OAR 291-124-0200, will have a positive impact on racial equity in Oregon. The proposed rules establish a doula program for pregnant and postpartum adults in custody at Coffee Creek Correctional Facility. Adequately responding to the needs of pregnant and postpartum adults in custody has important implications for their health and the health of their offspring. The doula program will increase access to labor and delivery support and post-delivery resources for pregnant and postpartum adults in custody at no charge. Because adults in custody are disproportionately represented with respect to race, as compared to communities within the state, rules that promote and ensure access to healthcare will have a positive impact on racial equity.

FISCAL AND ECONOMIC IMPACT:

Rule 291-124 rule is updated to comply with HB 2535 which requires the Department of Corrections (DOC) to establish a doula program for pregnant and postpartum AICs at CCCF.

Doulas will be privately contracted at an anticipated rate of \$85 per hour. The implementation of this rule will have a fiscal impact, but the actual cost would be dependent on a number of factors such as the number of pregnancies per biennium and the number of patients that choose to have a doula present during birth. Given these varying factors, this rule change will have an indeterminate fiscal impact on the department.

DOC does not anticipate a fiscal impact to other state agencies, partners, local governments (the counties), or the general public.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as they will not be impacted by these rules.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The rules are adopted pursuant to HB 2535 (2023). The department has determined that use of an advisory committee would not have provided any substantive assistance in drafting these rule revisions because they are adopted at the direction of the Oregon Legislative Assembly.

ADOPT: 291-124-0200

RULE SUMMARY: Adopts rule to establish the doula program for pregnant and postpartum adults in custody at Coffee Creek Correctional Facility per HB2535 (2023).

CHANGES TO RULE:

291-124-0200

Doula Services

Health Services shall operate a doula program for pregnant and postpartum adults in custody at Coffee Creek Correctional Facility. Doula services are available to an adult in custody who is pregnant, or who has been pregnant or has given birth in the preceding 12 months. Doula services include those set forth in ORS 421.173(4) including, but not limited to, one-on-one patient visits and assistance, preparation of the birth plan, on-site support at the birth, education, and group work.

Statutory/Other Authority: ORS 179.040, 423.020, 423.030, 423.075, 421.173

Statutes/Other Implemented: ORS 179.040, 423.020, 423.030, 423.075, 421.173