

# Proposed Rulemaking

## Title Rules Pertaining to Doula Certification

Promulgated by: Arkansas Department of Health

### Title 17. Professions, Occupations, and Businesses

#### Chapter XI. Department of Health, State Board of Health, Generally

##### Subchapter A. Generally

#### Part 56. Rules Pertaining to Doula Certification

##### Subpart 1. Generally

#### 17 CAR § 56-101. Purpose.

This part is adopted for the purpose of establishing the criteria for certification of a community-based doula, pursuant to the Certified Community-Based Doula Certification Act, Acts 2025, No. 965,

#### 17 CAR § 56-102. Definitions.

As used in this part:

(1) "Certified community-based doula" means an individual who:

(A) Is a trained professional; and

(B) Provides nonclinical emotional, physical, and informational support to

women:

(i) Before pregnancy;

(ii) During pregnancy; and

(iii) Continuing through the postpartum period; and

(2) "Health benefit plan" means an individual, blanket, or group plan, policy, or contract for healthcare services issued or delivered in this state by a:

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- \_\_\_\_\_ (A) Healthcare insurer;
- \_\_\_\_\_ (B) Health maintenance organization;
- \_\_\_\_\_ (C) Hospital medical service corporation; or
- \_\_\_\_\_ (D) Self-insured governmental or church plan in this state.

**17 CAR § 56-103. Scope of practice.**

\_\_\_\_\_ (a) A certified community-based doula shall perform only the following types of services:

- \_\_\_\_\_ (1) Providing childbirth education;
- \_\_\_\_\_ (2) Helping pregnant women navigate the healthcare system;
- \_\_\_\_\_ (3) Advocating for pregnant women before, during, and after the birth of a child;
- \_\_\_\_\_ (4) Connecting pregnant women with community resources; or
- \_\_\_\_\_ (5) Supporting pregnant women with continuous emotional and physical support throughout labor and birth and intermittently during the prenatal and postpartum periods.

\_\_\_\_\_ (b) For client needs beyond the scope of the doula’s training, referrals are made to appropriate healthcare resources.

**17 CAR § 56-104. Unlawful practice.**

\_\_\_\_\_ (a) A person may not practice or offer to act as a certified community-based doula in Arkansas unless certified by the Department of Health.

\_\_\_\_\_ (b) It is unlawful for any person not certified as a certified community-based doula by the department to receive compensation from the Arkansas Medicaid Program or a health benefit plan for services rendered.

**17 CAR § 56-105. Certification.**

\_\_\_\_\_ (a) A community-based doula certification is valid for two (2) years after date of issuance.

(b) Certification requirements must meet one of the requirements as outlined in 17 CAR §56-106.

(c) It is the responsibility of the certified community-based doula to ensure their certification is current at all times.

(d) If the name used on the application is not the same as that on any of the supporting documentation, the applicant must submit proof of name change with application.

(e) If an application for certification or renewal is denied, the applicant may appeal that denial to the State Board of Health within thirty (30) days of receipt of the denial.

(f) Training requirements:

(1) Certification by the Doula Alliance of Arkansas, or another doula certification organization designated by the Department of Health, will be required in order to be certified by the department.

(2) Certification by the Doula Alliance of Arkansas, or another doula certification organization designated by the department, shall include both formal training and experiential pathways, to be reviewed and approved by the department on a case-by-case basis.

(3) Certification by the Doula Alliance of Arkansas, or another doula certification organization designated by the department, will be sufficient evidence of completion of an approved formal training and experiential pathway.

(g) A certified community-based doula will be eligible for renewal of certification by the department after the community-based doula submits documentation evidencing completion of at least ten (10) hours of professional development training during the previous two (2) years.

### **17 CAR § 56-106. Eligibility requirements for initial certification.**

Applicants for initial certification must submit:

(1) A completed application for initial certification on the form provided by the Department of Health;

(2) Documentation demonstrating the applicant is at least eighteen (18) years of age or older, including but not limited to the applicant's:

(A) Government-issued birth certificate;

(B) United States-issued passport;

(C) Driver's license issued by the State of Arkansas or another state or jurisdiction;

(D) Other state-issued identification document; or

(E) Any document issued by a federal, state, or provincial registrar of vital statistics.

(3) Documentation demonstrating the applicant has not pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code §17-3-102 by any court in the State of Arkansas, of any similar offense by a court in another state, or of any similar offense by a federal court, unless the conviction was:

(A) Lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code §16-90-1401, et seq.; or

(B) Otherwise sealed, pardoned, or expunged under prior law.

(4) Certification by the Doula Alliance of Arkansas or another doula certification organization designated by the department, as outlined by 17 CAR §56-105; and

(5) The initial application fee of fifty dollars (\$50.00).

**17 CAR § 56-107. Eligibility requirements for renewal certification.**

(a) The community-based doula certification expires two (2) years after date of certification.

(b) Renewal applications and documentation must be submitted ninety (90) days prior to the certification expiration date to be timely.

(c) Renewal will only occur upon receipt of completed application and favorable review of required documentation.

(d) To be eligible for renewal certification, the community-based doula must have completed at least ten (10) hours of professional development training during the previous two (2) years.

(e) An applicant for renewal certification must submit:

(1) A completed application for renewal certification on the form provided by the Department of Health;

(2) Documentation of continuing education requirements or training as provided in 17 CAR §56-107(d); and

(3) The renewal application fee of fifty dollars (\$50.00).

**17 CAR § 56-108. Uniformed service members, veterans, and their spouses.**

(a) **Applicability.** This section applies to a:

(1) Uniformed service member stationed in the State of Arkansas;

(2) Uniformed service veteran who resides in or establishes residency in the State of Arkansas; and

(3) The spouse of subdivision (a)(1) of this section or subdivision (a)(2) of this section including a uniformed service member who is:

(A) Assigned a tour of duty that excludes the spouse from accompanying the uniformed service member and the spouse relocates to Arkansas; and

(B) Killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in Arkansas.

(b) **Automatic certification.** Automatic certification shall be granted to persons listed in subsection (a) of this section if the person:

(1) Is a holder in good standing of occupational licensure or certification with similar scope of practice issued by another state, territory, or district of the United States; and

(2) Pays the initial or renewal certification fee in 17 CAR § 56-106 and 107.

(c) **Credit toward initial certification.** Relevant and applicable uniformed service education, training, national certification, or service-issued credentials shall be accepted toward initial certification.

(d) **Expiration dates and continuing education.**

(1) A certification expiration date shall be extended for a deployed uniformed service member or spouse for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(2) A uniformed service member or spouse exercising the extension shall provide evidence of completion of continuing education before renewal or grant of a subsequent certification.

**(e) Application for automatic certification.**

(1) An applicant will be eligible for automatic certification under this section upon completed submission of documentation evidencing the following:

(A) The applicant holds a substantially equivalent certification or license in another state;

(B) The applicant is a qualified applicant under either subdivision (a)(1), (2), or (3) of this section;

(C) The applicant has not had any certification or license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics; and

(D) A completed initial application for certification on the form provided by the Department of Health.

(f) If applicable, certification requirements shall be substantially similar to those required by 17 CAR §56-106.

(g) All applicants who are certified pursuant to this section shall adhere to all provisions of this part.

**17 CAR § 56-109. Eligibility requirements for reciprocal certification.**

(a) Reciprocal certification will be granted based on substantially equivalent certification or licensure issued by another state, territory, or district of the United States.

(b) An applicant is eligible for reciprocal certification if:

(1) (A) The applicant holds a substantially similar certification or license issued by another state, territory, or district of the United States;

(B) The certification or licensure is relevant and applicable education, training, national certification, or service-issued credential that is substantially similar to certification issued under 17 CAR § 56-106(4);

(C) The occupational certification or licensure is currently in good standing;

(D) The applicant has not had a certification or license revoked for:

(i) An act of bad faith; or

(ii) A violation of law, rule, or ethics; and

(E) The applicant does not hold a suspended or probationary certification or license issued by another state, territory, or district of the United States; and

(2) The applicant is sufficiently competent to be a community-based doula.

(c) An applicant for reciprocal certification shall submit to the Department of Health the following:

(1) A complete reciprocal application on the form provided by the department;

(2) Documentation demonstrating the applicant has not pleaded guilty or nolo contendere to or been found guilty of any of the offenses detailed in Arkansas Code §17-3-102 by any court in the State of Arkansas, of any similar offense by a court in another state, or of any similar offense by a federal court, unless the conviction was:

(A) Lawfully sealed under the Comprehensive Criminal Record Sealing Act of 2013, Arkansas Code §16-90-1401, et seq.; or

(B) Otherwise sealed, pardoned, or expunged under prior law.

(3)(A) A list of all current professional health-related certification or licensure, including those issued by another state, territory, or district of the United States.

(B) The applicant may be required to submit to the department verification of the certification or licensure issued by another state, territory, or district of the United States; and

(4) As evidence that the applicant's certification or license issued by another state, territory, or district of the United States is substantially similar to Arkansas', the applicant shall submit the following information:

(A) Evidence of current and active certification or licensure in that state, territory, or district; and

(B) Evidence that the other state's, territory's, or district's certification or licensure requirements match those listed in 17 CAR §56-106.

(d)(1) The department may either:

(A) Require the applicant provide documentation; or

(B) Inquire directly with the other state's, territory's, or district's licensing or certification board to verify the information provided by the applicant pursuant to subsection (c) of this section.

(2) To demonstrate that the applicant meets the requirements in subsection (b) of this section, the applicant shall provide the department with:

(A) The names of all states, territories, or districts in which the applicant is currently certified or licensed or has been previously certified or licensed; and

(B) Letters of good standing or other information from each state, territory, or district in which the applicant is currently or has ever been certified or licensed showing that the applicant:

(i) Has not had a certification; or license revoked; and

(ii) Does not hold a certification or license on suspended or probationary status.

(e) Applicants from another state, territory, or district of the United States where substantially equivalent certification or licensure is not available shall refer to 17 CAR §56-106 for initial certification requirements.

**17 CAR § 56-110. Denial, discipline, suspension, or revocation of certification.**

(a) The Department of Health may refuse to issue, suspend, or revoke a certification for any one or more of the following reasons:

(1) Violation of the Certified Community-Based Doula Certification Act, Arkansas Code §17-108-101 et seq.

(2) Conviction of any offense listed in Arkansas Code §17-3-102;

(3) Securing certification through fraud, deceit, or intentional misrepresentation;

(4) Unethical conduct, gross ignorance, or inefficiency in the conduct of his or her practice;

(5) Using a false name or alias in his or her practice;

(6) Performing services as a doula with an expired certification;

(7) Performing services as a doula outside the scope of practice as outlined by this part or as prescribed by Arkansas Code §17-108-101, et seq.;

(8) Violation of any provision of this part; or

(9) Failure to comply with any of the requirements for issuance of certification as set forth in this Part and Arkansas Code § 17-108-101, et seq.

(b) Violations under this section or appeals of denied applications shall be addressed as provided in 17 CAR §56-111.

### **17 CAR § 56-111. Prohibiting offenses and disciplinary actions.**

(a) Any applicant who is not eligible to receive or hold a community-based doula certification because the individual has pleaded guilty or nolo contendere to or or been found guilty of any of the offenses detailed in Arkansas Code §17-3-102 may apply to the State Board of Health for a waiver in certain circumstances, as provided in Arkansas Code §17-3-102.

(b) Suspected cases involving violation of the Certified Community-Based Doula Certification Act, Arkansas Code § 17-108-101 et seq., or this part may be referred to the board for an administrative hearing, in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

(c) If the board finds that a person holding a certification has violated the Certified Community-Based Doula Certification Act, Arkansas Code §17-108-101 et seq. or this part, the board may impose any one or more of the following disciplinary actions:

(1) Revocation of certification;

(2) Suspension of certification for a determinate period of time;

(3) Probation of certification;

(4) Written or verbal reprimand of a certification holder;  
(5) Limitation or conditions on the practice of a person holding a certification;  
(6) Continuing education requirements to address known deficiencies; or  
(7) Fines as imposed by the board, in accordance with Arkansas Code § 20-7-101.

(d) The Department of Health shall notify the certification holder of any proceedings for disciplinary actions in accordance with the Arkansas Administrative Procedure Act.

(e) Decisions may be appealed pursuant to the Arkansas Administrative Procedure Act.

(f) Any applicable certification or licensing agencies or associations shall be notified of final action on certifications.

#### **17 CAR § 56-112. Inactive status.**

(a) Inactive status is automatic on the day immediately after the certification expiration date.

(b) Certified community-based doulas who do not maintain a current certification will be considered inactive.

(c) Inactive status may be maintained for up to four (4) years.

(d) A certified community-based doula with inactive status may not practice until the certification is reactivated.

(e) To reactivate a certification with inactive status, the applicant must submit:

(1) Documentation of professional development credits totaling ten (10) hours for each two-year period of inactive status;

(2) A renewal application as provided in 17 CAR §56-107; and

(3) Renewal application fee of fifty dollars (\$50.00).

(f) (1) After four (4) years of inactive status from the last active expiration date, the certification will automatically expire.

(2) After four (4) years of inactive status from the last active expiration date, the applicant may be recertified by completing the requirements pursuant to 17 CAR §56-106.

**17 CAR § 56-113. Department of Health responsibilities.**

**(a) Granting certification.** The Department of Health shall:

(1) Review applications for certification; and

(2) Issue proof of certification for approved applications.

**(b) Certification Listing.** The department shall:

(1) Maintain a list of all certified community-based doulas in the State of Arkansas; and

(2) Make this list available to the public.

**(c) Investigations.**

(1) The department shall conduct investigations regarding complaints or deviations from this part.

(2) The department will consider all available information that is relevant and material to the investigations.

(3) Where, in the department's determination, the public's health, safety or welfare requires emergency action, the department may temporarily suspend the certification of a certified community-based doula pending proceedings for revocation or other action, in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201, et seq.