

INTERIM STUDY PROPOSAL 2023-143

State of Arkansas
94th General Assembly

A Bill

JMB/JMB
HOUSE BILL

By: Representative L. Johnson

Filed with: House Committee on Public Health, Welfare, and Labor
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO ESTABLISH THE DOULA CERTIFICATION ACT; TO
CERTIFY DOULAS IN THIS STATE; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE DOULA CERTIFICATION
ACT; AND TO CERTIFY DOULAS IN THIS
STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, is amended to add an additional
chapter to read as follows:

CHAPTER 108

DOULA CERTIFICATION ACT

Subchapter 1 - General Provisions

17-108-101. Title.

This chapter shall be known and may be cited as the “Doula
Certification Act”.

17-108-102. Definitions.

As used in this chapter:

1 (1) "Doula" means an individual who is a trained professional
2 and provides nonclinical emotional, physical, and informational support to
3 women, starting during pregnancy and continuing through the postpartum
4 period; and

5 (2) "Health benefit plan" means an individual, blanket, or group
6 plan, policy, or contract for healthcare services issued or delivered in this
7 state by a healthcare insurer, health maintenance organization, hospital
8 medical service corporation, or self-insured governmental or church plan in
9 this state.

10 Subchapter 2 - Certification

11
12 17-108-201. Doula – Certification.

13 (a) The Department of Health shall issue a certification to be a doula
14 to an individual who:

15 (1) Is eighteen (18) years of age or older;

16 (2) Submits evidence of:

17 (A) Maintaining a certification from a doula certification
18 organization designated by the department under § 17-108-203; or

19 (B) Holding a certificate as a doula by the Doula Alliance
20 of Arkansas issued on or before January 1, 2026; and

21 (3) Submits an application with an application fee of fifty
22 dollars (\$50.00).

23 (b)(1) A certification under this section is valid for two (2) years
24 after the date of issuance.

25 (2) To renew a certification, a doula shall:

26 (A)(i) Complete ten (10) hours of professional development
27 requirements and training over two (2) years.

28 (ii) The department, in conjunction with the Doula
29 Alliance of Arkansas, shall adopt rules relating to the tracking by the
30 department of professional development and training; and

31 (B) Submit a renewal application with a renewal
32 application fee as determined by the department.

33 (c) The department shall create and maintain a registry of certified
34 doulas to be made available to the public.

35
36 17-108-202. Suspension, revocation, nonissuance, or nonrenewal.

1 (a) The Department of Health may suspend, revoke, or refuse to issue
2 or renew the certification of a doula for:

3 (1) Securing a certification under this chapter through fraud or
4 deceit;

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

7 (3) Using a false name or an alias in his or her practice;

8 (4) Violating any provision of this chapter; or

9 (5) Failing to comply with any of the requirements for issuance
10 of the certification.

11 (b) Proceedings under this section shall comply with the Arkansas
12 Administrative Procedure Act, § 25-15-201 et seq.

13
14 17-108-203. Designated doula certification organizations.

15 (a) The Department of Health, in conjunction with the Doula Alliance
16 of Arkansas, shall establish criteria for an organization to be designated as
17 a doula certification organization.

18 (b)(1) The department shall periodically review the doula
19 certification organizations designated by the department.

20 (2) The department may:

21 (A) Designate additional organizations as doula
22 certification organizations for the purpose of certifying doulas for
23 inclusion on the registry of certified doulas; and

24 (B)(i) Remove the designation of a doula certification
25 organization previously designated.

26 (ii) If the department removes a designation, the
27 department shall provide notice of the removal by publication on the
28 department's website and specify the date after which a certification by the
29 doula certification organization no longer authorizes a doula certified by
30 the doula certification organization to be included on the doula
31 certification registry.

32 (c)(1) A doula certification organization seeking designation under
33 this section shall provide the department with evidence that the doula
34 certification organization satisfies designation criteria established by the
35 department.

36 (2) If the department designates a doula certification

1 organization under this section, the department shall provide notice of the
2 designation by publication on the department's website for the registry of
3 certified doulas and specify the date after which a certification by the
4 doula certification organization authorizes a doula certified by the
5 organization to be included on the doula certification registry.

6 (d) This section does not prohibit an individual from submitting his
7 or her doula certification to the department without involvement of a doula
8 certification organization.

9
10 Subchapter 3 - Miscellaneous Provisions

11
12 17-108-301. Scope of practice.

13 A doula certified under this chapter shall perform only the following
14 types of services:

15 (1) Providing childbirth education;

16 (2) Helping pregnant women navigate the healthcare system;

17 (3) Advocating for pregnant women before, during, and after the
18 birth of a child;

19 (4) Connecting pregnant women with community resources; and

20 (5) Supporting pregnant women with continuous emotional and
21 physical support throughout labor and birth and intermittently during the
22 prenatal and postpartum periods.

23
24 17-108-302. Patient and personal data and information.

25 (a) Patient and personal data and information accessed or attained by
26 a doula certified under this chapter is exempt from disclosure under the
27 Freedom of Information Act of 1967, § 25-19-101 et seq., and is confidential
28 and privileged as otherwise required by federal law.

29 (b) If a doula certified under this chapter does not maintain the
30 confidential and privileged nature of the patient data or information, the
31 doula shall be subject to any penalty under state and federal law for a
32 breach of confidential patient data or information.

33
34 17-108-303. Doula compensation.

35 (a) A doula certified under this chapter shall receive compensation
36 for services provided from:

1 (1) The Arkansas Medicaid Program; or

2 (2) A health benefit plan.

3 (b) Services described in subsection (a) of this section shall include
4 without limitation:

5 (1) Four (4) one-hour prenatal visits;

6 (2) Two (2) one-hour postpartum visits;

7 (3) Up to fourteen (14) hours providing support during a
8 hospital delivery; and

9 (4) Up to fifty (50) hours postpartum support during the day or
10 night through sixteen (16) weeks.

11
12 17-108-304. Rules.

13 (a) The Department of Health shall promulgate rules relating to the
14 certification and regulation of doulas under this subchapter and relating to
15 the designation of an organization as a doula certification organization.

16 (b) Within six (6) months of the effective date of the rules of the
17 Department of Health, the Department of Human Services shall promulgate rules
18 relating to the reimbursement of doulas under the Arkansas Medicaid Program.

19
20 SECTION 2. DO NOT CODIFY. Rules.

21 (a) When adopting the initial rules required under this act, the
22 Department of Health shall file the final rules with the Secretary of State
23 for adoption under § 25-15-204(f):

24 (1) On or before January 1, 2026; or

25 (2) If approval under § 10-3-309 has not occurred by January 1,
26 2026, as soon as practicable after approval under § 10-3-309.

27 (b) The department shall file the proposed rules with the Legislative
28 Council under § 10-3-309(c) sufficiently in advance of January 1, 2026, so
29 that the Legislative Council may consider the rules for approval before
30 January 1, 2026.

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33 Referred by Representative L. Johnson

34 Prepared by: JMB/JMB