

STATE OF NEW YORK

364--A

2019-2020 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 9, 2019

Introduced by M. of A. PAULIN, GOTTFRIED, GALEF, JAFFEE, L. ROSENTHAL, COOK, SEAWRIGHT, ARROYO, BLAKE, DICKENS, PICHARDO, THIELE, McDONOUGH, SOLAGES -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to professional certification of doulas

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 2509 to read as follows:

§ 2509. Certified doula. 1. Definitions. As used in this section:

(a) "Certified doula" means an individual certified under this section who provides certified doula services.

(b) "Certified doula services" means continuous emotional and physical support provided by a certified doula throughout labor and birth, and intermittently during the prenatal and postpartum periods.

2. Use of title. Only a person certified under this section shall be authorized to use the title "certified doula".

3. Certificate. The commissioner shall issue a certificate as a certified doula to an individual who applies for certification and who qualifies under subdivision four of this section.

4. Requirements for a professional certification. To be certified under this section, an applicant shall fulfill the following requirements:

(a) Application: file an application with the department.

(b) Education: satisfactorily:

(i) complete an educational program, in accordance with the commissioner's regulations; or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

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1 (ii) submit evidence of certification, the educational preparation for
2 which is determined by the department to be equivalent to the foregoing,
3 from any state or country, satisfactory to the department and in accord-
4 ance with the commissioner's regulations.

5 (c) Examination: pass an examination satisfactory to the department
6 and in accordance with the commissioner's regulations.

7 (d) Age: be at least eighteen years of age.

8 (e) Character: be of good moral character as determined by the depart-
9 ment.

10 (f) Fee: pay a fee of forty dollars to the department for consider-
11 ation of an application for certification.

12 5. Proceedings and grounds for suspension or revocation. (a)
13 proceedings against any certificate holder under this section shall be
14 commenced by filing with the department a written charge or charges in
15 the form of a petition under oath against such certified doula. The
16 petition may be filed by any person, corporation, association or public
17 officer, or by the department in the first instance.

18 (b) If the commissioner decides that the charges should be heard, the
19 commissioner shall appoint a hearing officer to hear and report on the
20 charges and shall set a time and place for the hearing. A copy of the
21 charges, together with a notice of the time and place of hearing, shall
22 be served on the accused at least fifteen days before the date fixed for
23 the hearing.

24 (c) The respondent in all such cases brought under this section shall,
25 at least five days before the return date of the petition containing the
26 charges, file with the department a verified answer, in duplicate, to
27 the allegations set forth in the petition. The respondent shall have the
28 opportunity at such hearing to appear either personally or by counsel,
29 to cross-examine witnesses and to produce evidence and witnesses in the
30 respondent's defense.

31 (d) Upon the conclusion of the hearing, the hearing officer shall make
32 a written report of findings and conclusions and shall transmit them,
33 together with a recommendation, to the commissioner. If the commissioner
34 finds that the charges are not sustained, the commissioner shall order a
35 dismissal of the charges and an exoneration. If the commissioner finds
36 that any of the charges are sustained, the commissioner shall, in the
37 commissioner's discretion, issue an order suspending, revoking or
38 annulling the certificate of the respondent, or set reasonable and
39 appropriate requirements for the respondent's practice under the certif-
40 icate.

41 (e) Where a certificate has been revoked or annulled under this
42 section, the department may, after the expiration of two years, enter-
43 tain an application for restoration of the certificate.

44 (f) A respondent aggrieved by any action of the commissioner under
45 this section may commence a proceeding under article seventy-eight of
46 the civil practice law and rules in the supreme court, Albany county,
47 challenging that action.

48 § 2. This act shall take effect on the ninetieth day after it shall
49 have become a law. Effective immediately, the commissioner of health
50 shall make regulations and take other actions reasonably necessary to
51 implement this act on such date.