

STATE OF NEW YORK

3344--A

Cal. No. 243

2019-2020 Regular Sessions

IN SENATE

February 5, 2019

Introduced by Sens. RAMOS, GAUGHRAN, KRUEGER, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

(ii) submit evidence of certification, the educational preparation for which is determined by the department to be equivalent to the foregoing,

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

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1 from any state or country, satisfactory to the department and in accord-
2 ance with the commissioner's regulations.

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

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

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

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

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

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

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

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

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

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

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