



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

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STATE OF WASHINGTON
FILED

DATE: August 30, 2023

TIME: 4:30 PM

WSR 23-18-048

Agency: Department of Health

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) October 1, 2023 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Birth Doula. Engrossed Substitute House Bill (ESHB) 1881 (chapter 217, Laws of 2022), codified under chapter 18.47 RCW, created birth doulas (doulas) as a new health profession in the State of Washington. The adopted rules establish the profession's education, training, and certification requirements. This is a voluntary credential, meaning that an individual does not need to be credentialed in Washington state to provide doula services, however, the title "state-certified birth doula" cannot be used unless the person is certified as a birth doula.

The adopted rules incorporate education requirements that include culturally congruent ancestral practices, training and education. Training may be completed through educational programs or completing ancestral pathway competencies. In addition to the education and training requirements, the adopted rules establish certification requirements which include an application process, fees, and any requirements necessary to comply with the Uniform Disciplinary Act, chapter 18.130 RCW, which is required for all credential holders.

Citation of rules affected by this order:

New: WAC 246-835-005, 246-835-010, 246-835-015, 246-835-020, 246-835-022, 246-835-025, 246-835-030, 246-835-040, 246-835-060, 246-836-990
 Repealed: None
 Amended: None
 Suspended: None

Statutory authority for adoption: Chapter 18.47 RCW, Engrossed Substitute House Bill (ESHB) 1881 (chapter 217, Laws of 2022)

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-12-090 on June 6, 2023 (date).

Describe any changes other than editing from proposed to adopted version: The department made the following changes in response to public comments received on the proposed rule.

WAC 246-835-020 Approved birth doula educational programs

(1) The secretary accepts any birth doula training program, ~~or that courses that collectively requires attendance at a minimum of three births~~ and introduces students to the key principles of the following topics:

WAC 246-835-022 Ancestral pathway competencies

This section applies to applicants that did not attend a traditional birth doula training program or course.

- (1) An attestation on forms provided by the department that they have completed training that is substantially equivalent to the required training in WAC 246-835-020; ~~and~~
- ~~(2) An attestation that they have attended at least one birth in the capacity of a doula in either a paid or volunteer capacity within the last five years; or~~
- ~~(3) Three written client testimonial letters or letters of recommendation from professionals a profession-related leader~~ or peers using testimonial templates provided by the department. Letters must be written within the last five years.

WAC 246-835-025 (1) Culturally congruent ancestral practices, training, and education

- (a) Multicultural, ancestral and culturally congruent care; such as, but not limited to, rebozo use, belly binding, placenta burial, placenta encapsulation, cord burning, lotus birth, development of intuition;
- (b) History of obstetrics; such as erasure of granny midwives and indigenous birth work; or
- (c) Trauma-informed care;
- (d) Social Determinants of Health and Adverse Childhood Experiences; or
- (ee) Other training and education that enhances the applicant's knowledge of culturally congruent ancestral practices.

WAC 246-835-030 Application process

- (2) Proof of successful completion of the education requirements in WAC 246-835-015:
 - (a) Culturally congruent ancestral practices, training, and education as required in WAC 246-835-025; and
 - (b) If the applicant completed the ~~birth~~ and core curricula training requirements through a program, or courses that collectively meeting meet the requirements in WAC 246-835-020(1), documentation must be submitted by the applicant to the department; or
 - (c) If the applicant completed the training requirements from an approved program through WAC 246-835-020(2) listed on the department's webpage, proof of completion must be received by the department directly from the program where the applicant completed the training; or
 - (d) If the applicant completed the education requirements through completion of the ancestral pathway ~~and legacy~~ competencies in WAC 246-835-022, documentation must be submitted by the applicant to the department.
- (3) Verification from all states in which the applicant holds or has held a health care credential, indicating that the applicant has or has not been subject to ~~charges or~~ final or pending disciplinary action ~~for unprofessional conduct or impairment;~~

WAC 246-835-040 Applicants certified in other states or territories.

An initial applicant currently certified to practice as a birth doula in another state, the District of Columbia, or a territory of the United States may be licensed by endorsement. An applicant shall comply with the requirements for licensure as specified in chapters 18.47 RCW and 246-835 WAC and submit proof of: (1) Current certification from another United States jurisdiction; and (2) For applicants who have been certified in another jurisdiction for at least two years, completion of 10 hours of continuing education within the two-year period immediately preceding licensure.

WAC 246-835-060 Continuing education

State-certified birth doulas shall complete 10 hours of continuing education every renewal cycle in the form of continuing education and ~~professional leadership~~ development activities. The credential holder shall submit documentation upon request as required by chapter 246-12 WAC.

- (1) Eight hours of continuing education and ~~professional leadership~~ development activities must be obtained through one of the activities listed in (a) through (f) of this subsection. A minimum of five hours must directly relate to the practice of a birth doula as defined in chapter 18.47 RCW. Any remaining hours may be in ~~professional leadership~~ development activities that enhance the practice of the birth doula. Documentation for all activities must include credential holders name, date of activity, and number of hours. Approved continued education activities include:
 - (a) Continuing education course work;
 - (b) Employer sponsored in-service training or ~~professional~~ profession-related study groups;
 - (c) Attendance at a ~~professional~~ profession-related conference or workshop presented by a ~~professional~~ profession-related organization;
 - (d) Online courses and webinars;
 - (e) Self-study of ~~professional~~ profession-related journal articles, textbooks or chapters, or ~~professionally developed~~ multimedia and digital media educational materials. Documentation for this is a typed, one-page synopsis written by the credential holder; and
 - (f) Service on a ~~professional~~ profession-related board, committee, collective, disciplinary panel, or association.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Kathy Weed
Address: PO Box 47852, Olympia, WA 98504-7852
Phone: 360-236-4883
Fax: 360-236-2901
TTY: 711
Email: kathy.weed@doh.wa.gov
Web site: www.doh.wa.gov
Other: None

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>10</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>10</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date Adopted: 8/30/2023

Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH

Title: Chief of Policy for Secretary of Health

Signature:



**Chapter 246-835 WAC
BIRTH DOULA**

NEW SECTION

WAC 246-835-005 State-certified birth doula. (1) An individual who meets the certification requirements of this chapter and chapter 18.47 RCW is considered a "state-certified birth doula."

(2) Nothing in this chapter prohibits a person from practicing as a birth doula without obtaining a certification under this chapter and chapter 18.47 RCW.

(3) No person may use the title "state-certified birth doula" in connection with the person's name to indicate or imply, directly or indirectly, that the person is a state-certified birth doula without being certified in accordance with this chapter as a birth doula.

NEW SECTION

WAC 246-835-010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Birth doula" or "doula" mean a state-certified birth doula under this chapter.

(2) "Culturally congruent care" means the care and respect towards families to uphold their cultural practices around birth as the duty of the doula regardless of their identity, as well as assisting families in accessing other doulas from the same background and community as them.

(3) "Department" means the department of health.

(4) "Postpartum" means the 12-month period beginning on the last day of pregnancy.

(5) "Secretary" means the secretary of the department of health.

NEW SECTION

WAC 246-835-015 Education requirements. To qualify for certification, an individual shall:

(1) Successfully complete culturally congruent ancestral practices, training, and education as required in WAC 246-835-025.

(2) In addition to subsection (1) of this section an individual shall also successfully complete:

(a) An approved program in WAC 246-835-020; or

(b) Requirements for ancestral pathway competencies in WAC 246-835-022.

NEW SECTION

WAC 246-835-020 Approved birth doula educational programs. (1)

The secretary accepts any birth doula training program, or courses that collectively introduce students to the key principles of the following topics:

(a) Role of a birth doula: History of birth work, scope of work, individual practice and skill set, when and how to refer out;

(b) Prenatal and birth care: Prenatal wellness and preparing for birth including, but not limited to, nutrition, movement, mental health, spiritual wellness, relationship support, education, and resources; physiology of labor and birth; comfort measures; coping techniques and pain management; common medical terminology and interventions; creating a birth plan;

(c) Postpartum care: Lactation and newborn feeding techniques, newborn care, family integration and bonding, healing and comfort measures, postpartum mood and anxiety disorders, self and community care, and grief;

(d) Communication and interpersonal skills: Collaboration with birth team, emotional intelligence and sensitivity, active listening, informed consent and decision making, advocacy, accessible and affirming language; community support networks;

(e) Doula safety and self-care: Boundaries with clients, capacity and burn out, emotional wellness practices such as mindfulness, meditation, reiki, and prayer, networking, and community building; and

(f) Birth justice and advocacy: LGBTQ+/gender inclusive care, black and indigenous perinatal health crisis, medical racism and advocacy.

(2) Birth doula training programs meeting the criteria in subsection (1) of this section may apply for department approval. Programs that have applied for, and received approval, will be listed on the department's webpage.

NEW SECTION

WAC 246-835-022 Ancestral pathway competencies. This section applies to applicants that did not attend a traditional birth doula training program or course. To qualify for certification as a birth doula by completing the ancestral pathway competencies, the applicant shall complete birth doula ancestral training that is substantially equivalent to the required training in WAC 246-835-020. Documentation of completion must include:

(1) An attestation on forms provided by the department that they have completed training that is substantially equivalent to the required training in WAC 246-835-020; or

(2) Three written client testimonial letters or letters of recommendation from profession-related leaders or peers using testimonial templates provided by the department. Letters must be written within the last five years. One letter must be from either a licensed provider, a community-based organization, or a practicing doula or midwife.

NEW SECTION

WAC 246-835-025 Culturally congruent ancestral practices, training, and education. (1) To apply for a birth doula certification, an applicant shall complete culturally congruent ancestral practices, training, and education that demonstrates learned familiarity with clients' cultural practices using culturally congruent care related to birth in client communities where the doula may practice. Such training may include, but is not limited to:

(a) Multicultural, ancestral and culturally congruent care; such as, but not limited to, rebozo use, belly binding, placenta burial, placenta encapsulation, cord burning, lotus birth, development of intuition;

(b) History of obstetrics; such as erasure of granny midwives and indigenous birth work;

(c) Trauma-informed care;

(d) Social determinants of health and adverse childhood experiences; or

(e) Other training and education that enhances the applicant's knowledge of culturally congruent ancestral practices.

(2) Documentation of completion must include:

(a) An attestation that they have successfully completed a training in one of the categories in subsection (1) of this section; or

(b) A certificate of completion from a relevant training that lists the applicant's name.

NEW SECTION

WAC 246-835-030 Application process. An applicant for a birth doula certification shall submit the following to the department:

(1) A completed application as provided by the department;

(2) Proof of successful completion of the education requirements in WAC 246-835-015:

(a) Culturally congruent ancestral practices, training, and education as required in WAC 246-835-025; and

(b) If the applicant completed the core curricula training requirements through a program, or courses that collectively meet the requirements in WAC 246-835-020(1), documentation must be submitted by the applicant to the department; or

(c) If the applicant completed the training requirements from an approved program through WAC 246-835-020(2) listed on the department's webpage, proof of completion must be received by the department directly from the program where the applicant completed the training; or

(d) If the applicant completed the education requirements through completion of the ancestral pathway competencies in WAC 246-835-022, documentation must be submitted by the applicant to the department.

(3) Verification from all states in which the applicant holds or has held a health care credential, indicating that the applicant has or has not been subject to final or pending disciplinary action;

(4) Additional documentation as required by the secretary to determine whether an applicant is qualified for certification; and

(5) Any fees required in WAC 246-835-990.

NEW SECTION

WAC 246-835-040 Applicants currently certified in other states or territories. An initial applicant currently certified to practice as a birth doula in another state, the District of Columbia, or a territory of the United States may be licensed by endorsement. An applicant shall comply with the requirements for licensure as specified in chapters 18.47 RCW and 246-835 WAC and submit proof of:

(1) Current certification from another United States jurisdiction; and

(2) For applicants who have been certified in another jurisdiction for at least two years, completion of 10 hours of continuing education within the two-year period immediately preceding licensure.

NEW SECTION

WAC 246-835-060 Continuing education. State-certified birth doulas shall complete 10 hours of continuing education every renewal cycle in the form of continuing education and leadership development activities. The credential holder shall submit documentation upon request as required by chapter 246-12 WAC.

(1) Eight hours of continuing education and leadership development activities must be obtained through one of the activities listed in (a) through (f) of this subsection. A minimum of five hours must directly relate to the practice of a birth doula as defined in chapter 18.47 RCW. Any remaining hours may be in leadership development activities that enhance the practice of the birth doula. Documentation for all activities must include credential holder's name, date of activity, and number of hours. Approved continued education activities include:

(a) Continuing education course work;

(b) Employer sponsored in-service training or profession-related study groups;

(c) Attendance at a profession-related conference or workshop presented by a profession-related organization;

(d) Online courses and webinars;

(e) Self-study of profession-related journal articles, textbooks or chapters, or multimedia and digital media educational materials. Documentation for this is a typed, one-page synopsis written by the credential holder; and

(f) Service on a profession-related board, committee, collective, disciplinary panel, or association.

(2) In addition to the eight hours of continued education in subsection (1) of this section, a birth doula shall complete two hours of health equity CE every four years per chapter 43.70 RCW and in compliance with WAC 246-12-800 through 246-12-830.

NEW SECTION

WAC 246-835-990 Birth doula fees and renewal cycle. (1) A birth doula must renew their certification every two years on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) The following nonrefundable fees will be charged:

Title	Fee
Application for initial certification	\$190.00
Certification renewal	\$190.00
Late renewal penalty	\$95.00
Expired certificate reissuance	\$95.00
Duplicate certificate	\$10.00
Verification of certification	\$25.00