

ESHB 1881 - S COMM AMD

By Committee on Health & Long Term Care

ADOPTED 03/01/2022

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires
5 otherwise.

6 (1) "Department" means the department of health.

7 (2) "Birth doula" means a person that is a nonmedical birth coach
8 or support person trained to provide physical, emotional, and
9 informational support to birthing persons during pregnancy,
10 antepartum, labor, birth, and the postpartum period. Birth doulas
11 advocate for and support birthing people and families to self-
12 advocate by helping them to know their rights and make informed
13 decisions. Birth doulas do not provide medical care.

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

16 (4) "Secretary" means the secretary of health.

17 NEW SECTION. **Sec. 2.** (1) A birth doula may voluntarily apply
18 for certification from the department under this section.

19 (2) The department shall issue a certification to any applicant
20 who has met the following requirements:

21 (a) Submitted a completed application as required by the
22 department;

23 (b) Satisfactorily completed competencies that meet the
24 requirements established by the secretary;

25 (c) Has not engaged in unprofessional conduct as defined in RCW
26 18.130.180;

27 (d) Is not currently subject to any disciplinary proceedings; and

28 (e) Paid a certification fee established by the secretary in
29 rule.

1 (3) The uniform disciplinary act, chapter 18.130 RCW, governs the
2 issuance and denial of certifications and the discipline of certified
3 birth doulas under this chapter.

4 NEW SECTION. **Sec. 3.** (1) The secretary shall:

5 (a) In collaboration with community partners who advance
6 equitable access to improve perinatal outcomes and care through
7 holistic services for black and brown communities, adopt rules
8 establishing the competency-based requirements that a birth doula
9 must meet to obtain certification. The rules must establish processes
10 that allow for applicants to meet the competency-based requirements
11 through the following pathways:

12 (i) Successful completion of training and education programs
13 approved by the secretary; and

14 (ii) Submission of proof of successful completion of culturally
15 congruent ancestral practices, training, and education that the
16 secretary must review and determine whether the training and
17 education meet the competency-based requirements;

18 (b) Establish certification and renewal fees, administrative
19 procedures, continuing education, administrative requirements, and
20 forms necessary to implement this chapter in accordance with RCW
21 43.70.250 and 43.70.280;

22 (c) Maintain a record of all applicants and certifications under
23 this chapter; and

24 (d) Hire clerical, administrative, and investigative staff as
25 needed to implement and administer this chapter.

26 (2) All fees collected under this chapter must be credited to the
27 health professions account as required under RCW 43.70.320.

28 NEW SECTION. **Sec. 4.** (1) Nothing in this chapter prohibits a
29 person from practicing as a birth doula without obtaining
30 certification under this chapter.

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

35 **Sec. 5.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
36 read as follows:

1 (1) This chapter applies only to the secretary and the boards and
2 commissions having jurisdiction in relation to the professions
3 licensed under the chapters specified in this section. This chapter
4 does not apply to any business or profession not licensed under the
5 chapters specified in this section.

6 (2) (a) The secretary has authority under this chapter in relation
7 to the following professions:

8 (i) Dispensing opticians licensed and designated apprentices
9 under chapter 18.34 RCW;

10 (ii) Midwives licensed under chapter 18.50 RCW;

11 (iii) Ocularists licensed under chapter 18.55 RCW;

12 (iv) Massage therapists and businesses licensed under chapter
13 18.108 RCW;

14 (v) Dental hygienists licensed under chapter 18.29 RCW;

15 (vi) Acupuncturists or acupuncture and Eastern medicine
16 practitioners licensed under chapter 18.06 RCW;

17 (vii) Radiologic technologists certified and X-ray technicians
18 registered under chapter 18.84 RCW;

19 (viii) Respiratory care practitioners licensed under chapter
20 18.89 RCW;

21 (ix) Hypnotherapists and agency affiliated counselors registered
22 and advisors and counselors certified under chapter 18.19 RCW;

23 (x) Persons licensed as mental health counselors, mental health
24 counselor associates, marriage and family therapists, marriage and
25 family therapist associates, social workers, social work associates—
26 advanced, and social work associates—independent clinical under
27 chapter 18.225 RCW;

28 (xi) Persons registered as nursing pool operators under chapter
29 18.52C RCW;

30 (xii) Nursing assistants registered or certified or medication
31 assistants endorsed under chapter 18.88A RCW;

32 (xiii) Dietitians and nutritionists certified under chapter
33 18.138 RCW;

34 (xiv) Substance use disorder professionals, substance use
35 disorder professional trainees, or co-occurring disorder specialists
36 certified under chapter 18.205 RCW;

37 (xv) Sex offender treatment providers and certified affiliate sex
38 offender treatment providers certified under chapter 18.155 RCW;

39 (xvi) Persons licensed and certified under chapter 18.73 RCW or
40 RCW 18.71.205;

- 1 (xvii) Orthotists and prosthetists licensed under chapter 18.200
2 RCW;
- 3 (xviii) Surgical technologists registered under chapter 18.215
4 RCW;
- 5 (xix) Recreational therapists under chapter 18.230 RCW;
- 6 (xx) Animal massage therapists certified under chapter 18.240
7 RCW;
- 8 (xxi) Athletic trainers licensed under chapter 18.250 RCW;
- 9 (xxii) Home care aides certified under chapter 18.88B RCW;
- 10 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
- 11 (xxiv) Reflexologists certified under chapter 18.108 RCW;
- 12 (xxv) Medical assistants-certified, medical assistants-
13 hemodialysis technician, medical assistants-phlebotomist, forensic
14 phlebotomist, and medical assistants-registered certified and
15 registered under chapter 18.360 RCW; (~~and~~)
- 16 (xxvi) Behavior analysts, assistant behavior analysts, and
17 behavior technicians under chapter 18.380 RCW; and
- 18 (xxvii) Birth doulas certified under chapter 18.--- RCW (the new
19 chapter created in section 7 of this act).

20 (b) The boards and commissions having authority under this
21 chapter are as follows:

22 (i) The podiatric medical board as established in chapter 18.22
23 RCW;

24 (ii) The chiropractic quality assurance commission as established
25 in chapter 18.25 RCW;

26 (iii) The dental quality assurance commission as established in
27 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
28 licenses and registrations issued under chapter 18.260 RCW, and
29 certifications issued under chapter 18.350 RCW;

30 (iv) The board of hearing and speech as established in chapter
31 18.35 RCW;

32 (v) The board of examiners for nursing home administrators as
33 established in chapter 18.52 RCW;

34 (vi) The optometry board as established in chapter 18.54 RCW
35 governing licenses issued under chapter 18.53 RCW;

36 (vii) The board of osteopathic medicine and surgery as
37 established in chapter 18.57 RCW governing licenses issued under
38 chapter 18.57 RCW;

1 (viii) The pharmacy quality assurance commission as established
2 in chapter 18.64 RCW governing licenses issued under chapters 18.64
3 and 18.64A RCW;

4 (ix) The Washington medical commission as established in chapter
5 18.71 RCW governing licenses and registrations issued under chapters
6 18.71 and 18.71A RCW;

7 (x) The board of physical therapy as established in chapter 18.74
8 RCW;

9 (xi) The board of occupational therapy practice as established in
10 chapter 18.59 RCW;

11 (xii) The nursing care quality assurance commission as
12 established in chapter 18.79 RCW governing licenses and registrations
13 issued under that chapter;

14 (xiii) The examining board of psychology and its disciplinary
15 committee as established in chapter 18.83 RCW;

16 (xiv) The veterinary board of governors as established in chapter
17 18.92 RCW;

18 (xv) The board of naturopathy established in chapter 18.36A RCW,
19 governing licenses and certifications issued under that chapter; and

20 (xvi) The board of denturists established in chapter 18.30 RCW.

21 (3) In addition to the authority to discipline license holders,
22 the disciplining authority has the authority to grant or deny
23 licenses. The disciplining authority may also grant a license subject
24 to conditions.

25 (4) All disciplining authorities shall adopt procedures to ensure
26 substantially consistent application of this chapter, the uniform
27 disciplinary act, among the disciplining authorities listed in
28 subsection (2) of this section.

29 NEW SECTION. **Sec. 6.** The secretary may adopt any rules
30 necessary to implement this chapter.

31 NEW SECTION. **Sec. 7.** Sections 1 through 4 and 6 of this act
32 constitute a new chapter in Title 18 RCW.

33 NEW SECTION. **Sec. 8.** Sections 1 through 5 of this act take
34 effect October 1, 2023."

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1 On page 1, line 2 of the title, after "doulas;" strike the
2 remainder of the title and insert "amending RCW 18.130.040; adding a
3 new chapter to Title 18 RCW; and providing an effective date."

EFFECT: Removes the references to "women" in both the definition of "birth doula" and the description for who birth doulas advocate for and support.

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