

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AN ACT

RELATING TO HEALTH; ENACTING THE DOULA CREDENTIALING AND ACCESS ACT; REQUIRING THE SECRETARY OF HEALTH TO PROMULGATE RULES TO ESTABLISH A VOLUNTARY CREDENTIALING PROCESS TO ALLOW DOULAS TO ENROLL AS MEDICAID PROVIDERS; APPOINTING A DOULA CREDENTIALING ADVISORY COUNCIL; ESTABLISHING A PROCESS FOR COLLABORATION AMONG STATE AGENCIES, LOCAL GOVERNMENT ENTITIES AND PRIVATE ENTITIES FOR SHARING CERTAIN INFORMATION REGARDING SERVICES PROVIDED BY CREDENTIALLED DOULAS; REQUIRING ANNUAL REPORTING; CREATING THE DOULA FUND; REQUIRING HOSPITALS AND FREESTANDING BIRTH CENTERS TO CREATE POLICIES TO ALLOW DOULAS TO ACCOMPANY PATIENTS RECEIVING CERTAIN SERVICES ON THEIR PREMISES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. SHORT TITLE.--This act may be cited as the "Doula Credentialing and Access Act".

SECTION 2. DEFINITIONS.--As used in the Doula Credentialing and Access Act:

- A. "applicant" means a person applying to be credentialed or recertified as a doula;
- B. "authority" means the health care authority;
- C. "credentialed doula" means a doula to whom the department has issued a credential to allow the doula to enroll as a medicaid provider;

1 D. "department" means the department of health;

2 E. "doula" means a trained, nonmedical
3 professional who provides services, including health
4 education, advocacy or physical, emotional or social support,
5 to a person during the pre-conception period, pregnancy,
6 childbirth or the postpartum period to promote positive
7 health outcomes;

8 F. "eligible person" means a person who:

9 (1) is eligible for medicaid; and

10 (2) elects to receive services from a
11 credentialed doula, while pregnant or during the first twelve
12 months of the postpartum period, regardless of the person's
13 birth outcome;

14 G. "freestanding birth center" means a birth
15 center licensed by the authority;

16 H. "hospital" means a hospital licensed by the
17 authority; and

18 I. "secretary" means the secretary of health.

19 SECTION 3. RULEMAKING--VOLUNTARY DOULA CREDENTIALING--
20 FEES--DISCIPLINARY ACTION.--

21 A. The secretary shall adopt and promulgate rules
22 relating to the following:

23 (1) the establishment and administration of
24 a voluntary program for credentialing doulas, including the
25 development of criteria for:

1 (a) education;
2 (b) training;
3 (c) experience; and
4 (d) other qualifications that the
5 secretary deems appropriate in accordance with the provisions
6 of the Doula Credentialing and Access Act;

7 (2) procedures for the receipt and review of
8 and action upon applications for initial credentialing;

9 (3) standards for continuing education,
10 professional development, mentorship activities and other
11 requirements that the secretary deems appropriate for
12 recertification;

13 (4) the creation of a workforce development
14 plan, including practices for promoting equitable access to
15 doula credentialing for members of underserved communities;

16 (5) procedures for disciplinary action
17 relating to applicants or credentialed doulas, including
18 guidelines for:

19 (a) reprimands;

20 (b) probation;

21 (c) denial, suspension or revocation of
22 credentialing or recredentialing; and

23 (d) an appeal process;

24 (6) the development and operation of a
25 publicly accessible online directory for identifying

1 credentialed doulas; and

2 (7) other matters that the secretary deems
3 appropriate to carry out the provisions of the Doula
4 Credentialing and Access Act.

5 B. The secretary may:

6 (1) collect credentialing fees; and

7 (2) apply any fees collected pursuant to the
8 Doula Credentialing and Access Act to cover the costs of
9 administering a voluntary program for credentialing doulas
10 pursuant to that act.

11 SECTION 4. USE OF THE "CREDENTIALLED DOULA"

12 DESIGNATION--UNAUTHORIZED PRACTICE.--

13 A. In order to use the title "credentialed doula"
14 or other designation that indicates that an individual is a
15 credentialed doula, the individual shall be credentialed
16 pursuant to the provisions of the Doula Credentialing and
17 Access Act.

18 B. To ensure compliance with the provisions of the
19 Doula Credentialing and Access Act or any rule that the
20 secretary has adopted and promulgated pursuant to that act,
21 the department may issue cease-and-desist orders to persons
22 who violate the provisions of the Doula Credentialing and
23 Access Act.

24 C. A credentialed doula shall engage only in those
25 activities authorized pursuant to the Doula Credentialing and

1 Access Act and by rules adopted and promulgated pursuant to
2 that act. While engaging in practice as a credentialed
3 doula, an individual shall not engage in or perform any act
4 or service for which another professional certificate,
5 license or other legal authority is required. Nothing in
6 this section shall be construed to prevent or restrict the
7 practice, service or activities of an individual
8 simultaneously credentialed as a credentialed doula and
9 licensed, certified, registered or otherwise legally
10 authorized in the state to engage in the practice of another
11 profession if that individual does not, while engaged in the
12 authorized practice of another profession, use any name,
13 title or other designation indicating that the individual is
14 a credentialed doula.

15 SECTION 5. DOULA CREDENTIALING ADVISORY COUNCIL.--

16 A. The "doula credentialing advisory council" is
17 established and administratively attached to the department.

18 B. The doula credentialing advisory council shall
19 hold its first meeting no later than September 1, 2025 and
20 thereafter shall meet at least quarterly at the call of the
21 chair.

22 C. The doula credentialing advisory council
23 consists of fifteen members who shall be:

24 (1) residents of the state; and

25 (2) appointed by and serve at the pleasure

1 of the secretary.

2 D. Members shall include:

3 (1) the secretary or the secretary's
4 designee, who shall serve as chair of the council;

5 (2) the secretary of health care authority
6 or the secretary's designee;

7 (3) the secretary of early childhood
8 education and care or the secretary's designee; and

9 (4) twelve members from diverse linguistic
10 and cultural backgrounds and varied geographic regions, at
11 least eight of whom shall be doulas.

12 E. The secretary shall endeavor to appoint members
13 from underserved communities with experience advocating for
14 or providing or receiving services relating to promoting
15 positive pregnancy-related health outcomes.

16 F. Appointed members may receive per diem and
17 mileage pursuant to the Per Diem and Mileage Act.

18 G. The secretary shall adopt and promulgate rules
19 that establish the doula credentialing advisory council's
20 membership, duties and the conduct of meetings.

21 H. The doula credentialing advisory council's
22 duties shall include making recommendations regarding the
23 doula credentialing process to the secretary on the following
24 matters:

25 (1) developing standards and requirements

1 for minimal levels of education, training and experience for
2 credentialing;

3 (2) developing standards and requirements
4 for approval or acceptance of continuing education courses
5 and programs that the secretary may require for the renewal
6 of a credential;

7 (3) reviewing the materials approved for
8 training and education to ensure that they include practices
9 for providing culturally and linguistically appropriate
10 services to address the needs of underserved communities;

11 (4) creating a workforce development plan to
12 support the establishment and growth of the credentialed
13 doula workforce, with a focus on practices that promote
14 diversity and equitable access to the credentialing process;
15 and

16 (5) developing methods for collecting
17 information regarding the provision of services by
18 credentialed doulas and the pregnancy- and postpartum-related
19 health outcomes of eligible persons.

20 **SECTION 6. COLLABORATION INFORMATION SHARING AND**
21 **REPORTING.--**

22 A. The department shall collaborate with state
23 agencies, local governments and private entities to share
24 relevant, disaggregated, non-personal identifying information
25 regarding the provision of credentialed doula services.

1 B. Beginning September 1, 2026 and annually
2 thereafter, the department shall submit to the governor and
3 the legislature an annual report including the following
4 information:

5 (1) the number of credentialed doulas
6 enrolled as medicaid providers;

7 (2) demographic information on credentialed
8 doulas enrolled as medicaid providers;

9 (3) the location, by county, of where
10 credentialed doulas practice;

11 (4) the number of eligible persons receiving
12 services from credentialed doulas;

13 (5) demographic data of eligible persons
14 receiving services from credentialed doulas;

15 (6) the total cost of services provided by
16 credentialed doulas per eligible person;

17 (7) the duration of services provided by
18 credentialed doulas to each eligible person;

19 (8) the average number of credentialed doula
20 visits, per eligible person, by service type; and

21 (9) the pregnancy-related health outcomes of
22 eligible persons, including instances of gestational
23 diabetes, prenatal and postpartum hospitalizations, premature
24 births, caesarean sections, birth injuries and infant and
25 maternal deaths.

1 C. All demographic information shall be reported
2 in a disaggregated, non-personal-identifying manner.

3 SECTION 7. DOULA ACCESS.--

4 A. Each hospital and freestanding birth center
5 shall:

6 (1) adopt and maintain written policies and
7 procedures authorizing a patient to select a doula of the
8 patient's choice to accompany the patient within the
9 facility's premises for the purposes of providing services
10 during pregnancy, childbirth and the twelve-month postpartum
11 period;

12 (2) provide a written copy of the policies
13 and procedures adopted pursuant to Paragraph (1) of this
14 subsection to:

15 (a) health care providers providing
16 services related to pregnancy, childbirth or the twelve-month
17 postpartum period at the facility;

18 (b) patients receiving services related
19 to pregnancy, childbirth or the twelve-month postpartum
20 period at the facility; and

21 (c) any other person, at the request of
22 the patient; and

23 (3) post a notice of the facility's policies
24 and procedures adopted pursuant to Paragraph (1) of this
25 subsection:

1 (a) in the room of a patient admitted
2 to the facility for services related to pregnancy, childbirth
3 or the twelve-month postpartum period; and

4 (b) on the facility's website.

5 B. The authority may adopt rules in accordance
6 with the Doula Credentialing and Access Act necessary to
7 effectuate the purposes of that act.

8 **SECTION 8. DOULA FUND--CREATION.--**

9 A. The "doula fund" is created as a nonreverting
10 fund in the state treasury. The fund shall be administered
11 by the department and consists of gifts, grants, donations
12 and bequests made to the fund.

13 B. Money in the fund is subject to appropriation
14 by the legislature to the department for purposes relevant to
15 the provisions of the Doula Credentialing and Access Act.

16 C. The department shall adopt rules on
17 qualifications for grants and specify the format, procedure
18 and deadlines for grant applications.

19 D. Disbursements from the fund shall be made upon
20 vouchers issued and signed by the secretary or the secretary's
21 designee upon warrants drawn by the secretary of finance and
22 administration.