

TITLE 7 HEALTH
CHAPTER 30 FAMILY AND CHILDREN HEALTH SERVICES
PART 16 DOULA CREDENTIALING FOR MEDICAID REIMBURSEMENT

7.30.16.1 ISSUING AGENCY: Department of health, public health division. [7.30.16.1 NMAC - N, XX/XX/2026]

7.30.16.2 SCOPE: This rule applies to any person seeking to practice as a credentialed doula in the state of New Mexico and to the doula credentialing advisory council.
[7.30.16.2 NMAC - N, XX/XX/2026]

7.30.16.3 STATUTORY AUTHORITY: This rule is promulgated pursuant to the following statutory authorities: the Department of Health Act, Subsection E of Section 9-7-6 NMSA 1978, which authorizes the secretary of the department of health to “...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions,” Subsection A and Subsection S of 24-1-3 NMSA 1978 and the Doula Credentialing and Access Act, Sections 24-36-1 through 24-36-8 NMSA 1978.
[7.30.16.3 NMAC - N, XX/XX/2026]

7.30.16.4 DURATION: Permanent.
[7.30.16.4 NMAC - N, XX/XX/2026]

7.30.16.5 EFFECTIVE DATE: xx/xx 2026, unless a later date is cited at the end of a section.
[7.30.16.5 NMAC - N, XX/XX/2026]

7.30.16.6 OBJECTIVE: The objective of this rule is to implement the Doula Credentialing and Access Act. This rule governs the voluntary credential of doulas in New Mexico and the doula credentialing advisory council.
[7.30.16.6 NMAC - N, XX/XX/2026]

7.30.16.7 DEFINITIONS:

A. Definitions beginning with “A”:

(1) **“Action against a credential”** means any formal action taken by the department that adversely affects credentialing status, including but not limited to denial of initial credentialing or re-credentialing, suspension or revocation of a credential, probation or reprimand.

(2) **“Appeal”** means a request by the applicant for review of denial, suspension action made by the department.

(3) **“Applicant”** means a doula applying to be credentialed or recertified by the department.

(4) **“Approval”** means acceptance and authorizing a doula applicant as credentialed.

(5) **“Authority”** means the New Mexico Health Care Authority.

B. Definitions beginning with “B”: **“Bureau”** means the family health bureau of the public health division of the department of health.

C. Definitions beginning with “C”:

(1) **“Client”** means any person domiciled, residing, or receiving care, service or treatment from a New Mexico credentialed doula. This includes but is not limited to patients, residents, or consumers.

(3) **“Closure”** means a written administrative action by the department terminating an existing, previously approved credential or case and closing the individual or entity from active credential status.

(4) **“Committee denial”** means rejection or disapproval of credential due to decision made by the credential committee.

(5) **“Community elder”** means experienced member of a community who provides cultural, emotional, and traditional guidance to the doula profession.

(6) **“Community organization”** means any organized group, whether formally incorporated or not, that works collectively to address community needs, support local interests, or pursue shared goals.

(7) **“Conditional approval”** means a notification from the department to an applicant for certification, informing the applicant that the application is complete and that the applicant should undergo state and national criminal history screening in accordance with this rule.

(8) **“Continuing education” or “CE”** means a planned learning activity that builds upon a credentialed doula’s training program, education, and work experience and enables a credentialed doula to acquire or improve skills, knowledge and practices that promote professional development, and is approved by the department.

(9) **“Conviction”** means a plea or adjudication of guilt, a plea of nolo contendere, or an Alford plea, and does not include a conditional discharge or deferred adjudication that results in dismissal of a charge.

(10) **“Core competencies”** means a combination of qualities, practical skills and knowledge, defined by the department as essential to the provision of services by credentialed doulas, demonstration of which is required for credentialing.

(11) **“Credentialed doula” or “CD”** means a doula to whom the department has issued a credential to allow the doula to enroll as a Medicaid provider and provided a document issued by the department to qualified applicants who have successfully completed the application process.

D. Definitions beginning with “D”:

(1) **“Department”** means the department of health.

(2) **“Division”** means the department’s public health division.

(3) **“Doula”** means a trained, nonmedical professional who provides services, including health education, advocacy or physical, emotional or social support, to a client during the pre-conception period, pregnancy, childbirth or the postpartum period regardless of pregnancy outcome to promote positive health outcomes.

E. Definitions beginning with “E”: **“Eligible person”** means a person who is eligible for Medicaid, and who elects to receive services from a credentialed doula, while pregnant or during the first twelve months of the postpartum period, regardless of the person’s birth outcome.

F. Definitions beginning with “F”: [RESERVED]

G. Definitions beginning with “G”: [RESERVED]

H. Definitions beginning with “H”: **“Hospital”** means a hospital licensed by the authority.

I. Definitions beginning with “I”: [RESERVED]

J. Definitions beginning with “J”: [RESERVED]

K. Definitions beginning with “K”: [RESERVED]

L. Definitions beginning with “L”: [RESERVED]

M. Definitions beginning with “M”: [RESERVED]

N. Definitions beginning with “N”: [RESERVED]

O. Definitions beginning with “O”: [RESERVED]

P. Definitions beginning with “P”: **“Procedural denial”** means a written determination issued by the department refusing to grant an initial application request for credential after review of the submitted materials and a determination that the applicant has failed to meet one or more statutory, regulatory, or published eligibility requirements.

Q. Definitions beginning with “Q”: [RESERVED]

R. Definitions beginning with “R”:

(1) **“Reinstatement”** means the process whereby a credential, which has been terminated or ended as a result of failure to comply with the necessary recredential requirements or disciplinary action, will be restored by the department with the original credential number and date.

(2) **“Recredential”** means the process of renewing a current credential as valid and complying with the necessary requirements.

S. Definitions beginning with “S”:

(1) **“Scope of practice”** means the roles and related tasks performed by CDs in the provision of services including the knowledge, skills and attributes needed to perform work-related functions, as defined by the department.

(2) **“Secretary”** means the secretary of department of health.

T. Definitions beginning with “T”: [RESERVED]

U. Definitions beginning with “U”: [RESERVED]

V. Definitions beginning with “V”: [RESERVED]

W. Definitions beginning with “W”: [RESERVED]

X. Definitions beginning with “X”: [RESERVED]

Y. Definitions beginning with “Y”: [RESERVED]

Z. Definitions beginning with “Z”: [RESERVED]

[7.30.16.7 NMAC - N, XX/XX/2026]

7.30.16.8 GENERAL PROGRAM DESCRIPTION:

A. The regulations establish policy, standards, and criteria relating to administration of a voluntary program for credentialing doula including the requirements for education, training, experience and other qualifications that the secretary deems appropriate in accordance with the provisions of the Doula Credentialing and Access Act.

B. Department credentialed doula status is accessible through online registry administered by the department. The registry shall contain the name, credential number, credential status, and geographic location of the CD. Registry information is subject to public inspection.

C. Grounds for actions against a credential: A credential may be denied, suspended, or revoked or may be subject to any lesser action, including but not limited to reprimand or probation, in accordance with this rule. [7.30.16.8 NMAC - N, XX/XX/2026]

7.30.16.9 DOULA CREDENTIAL REQUIREMENTS: An applicant seeking credential as a New Mexico department of health credentialed doula shall submit a completed application in a form and manner prescribed by the department and shall provide documentation demonstrating compliance with the eligibility requirements established in this rule. In order to use the title "credentialed doula," or the initials "CD" or other designation that indicates that an individual is a credentialed doula, the individual shall be credentialed by the department pursuant to the provisions of the Doula Credentialing and Access Act.

A. Identity verification: The applicant and or authorized representative of the applicant must be 18 years of age or older at the time of submission and must provide proof of identity in the form of a valid driver's license or state-issued identification card issued by any of the fifty United States, the District of Columbia, or its territories.

B. Cardiopulmonary resuscitation credential (CPR): The applicant shall provide documentation demonstrating current certification in adult and infant CPR from a nationally recognized certifying body, including but not limited to the American Heart Association or the American Red Cross. A doula shall maintain current CPR certification at all times in order to maintain credentialed doula status with the department. If the CPR certification provided with an initial doula credential application will expire prior to submission of application for recredential pursuant to this rule, a doula must obtain an updated CPR certification and provide documentation of the updated certification to the department prior to expiration of the initial CPR certification. The department may recognize equivalent CPR credential programs that meet or exceed nationally recognized training standards, as determined by the department through program policy or guidance.

C. Health insurance portability and accountability act (HIPAA) training: The applicant shall attest that they have completed training on the requirements of the Health Insurance Portability and Accountability Act of 1996 and related privacy protections and shall attest that they will adhere to all HIPAA requirements. A certificate of completion of HIPAA training shall accompany the application for any of the delineated credentialing pathways. The department may identify approved HIPAA training modules or equivalent training programs that satisfy this requirement.

D. The practice for which the applicant seeks the doula credential shall be located within the 50 U.S. states, the District of Columbia, or its territories.

E. Credentialing pathways: Applicants shall apply for credential under one of the following pathways established by the department.

(1) Training pathway: This pathway is for applicants who have successfully completed a doula training program approved by the department or determined by the department to be substantially equivalent to an approved program based on curriculum content that is in scope, duration, methodology, and demonstrated competency outcomes comparable to those of a department-approved training program. The approved training shall be listed at <https://www.nmhealth.org/about/phd/fhb/mch/doula/>, and include:

- (a)** BeboMia;
- (b)** International Center for Traditional Childbirth (ICTC)/Shafia Monroe Consulting;
- (c)** Birthing Project USA;
- (d)** Our Earth Full Spectrum Birth & Postpartum Attendant Program;
- (e)** CAPP Doula Training;

- (f) Commonsense Childbirth Institute;
- (g) Raeanne Madison Indigenous Full Spectrum Doula Training and Postpartum Doula Training;
- (h) Doulas of North America (DONA) Doula Training;
- (i) Doula Trainings International;
- (j) The Black Doula Inc., dba Birthing Advocacy Doula Trainings;
- (k) HealthConnect One (or a HealthConnect One replication site);
- (l) Tewa Women United - Yiya Vi Kagingdi Full Spectrum Doula Training;
- (m) International Childbirth Education Association (ICEA); and
- (n) Zaagi'idiwin Full Spectrum Indigenous Doula Training.

(2) **Core competencies pathway:** This pathway is for applicants who have completed education or training programs that demonstrate competency in core doula practice areas identified by the department. The applicant shall submit:

(a) Doula training certificate of completion. If the certificate of completion does not detail the total number of hours completed and topics covered or if the doula applicant does not have a certificate of completion, the doula applicant is required to provide a copy of a syllabus from the completed course(s) and complete the applicable attestation provided within the application attesting that they have satisfactorily completed course(s) covering the required topics below with the name of the organization providing the training course, the total number of hours completed and the date the course was completed. The training shall contain the following five core competencies:

- (i) cultural knowledge and learnings in perinatal care.
- (ii) foundations on anatomy and physiology of pregnancy and childbirth and postpartum.
- (iii) nonmedical comfort measures, support, and labor support techniques.
- (iv) lactation support.
- (v) developing a community resource list.

(b) An attestation that the applicant has provided support to three clients in the capacity of a doula in either paid or voluntary capacity, which shall include the three dates of doula service and a description of the type of doula service provided.

(3) **Experience pathway:** This pathway is for applicants who have at least two years of experience providing doula services without formal doula program training but who have acquired experience through community-based learning and/or mentorship. The applicant shall submit:

(a) An attestation that they have provided support to three clients in the capacity of a doula in either paid or voluntary capacity, which shall include an explanation of the type of doula service provided.

(b) Three letters of recommendation using department-provided templates at <https://www.nmhealth.org/about/phd/fhb/mch/doula/> from among the following:

- (i) a licensed provider (physician, licensed behavioral health provider, nurse practitioner, nurse midwife or licensed midwife);
- (ii) a credentialed doula;
- (iii) a community organization;
- (iv) a former doula client; and
- (v) a community elder.

F. Approval of training programs: The department may review and approve doula training programs that meet the minimum curriculum requirements and competency standards established by the department as identified in this rule.

(1) The curriculum requirements for doula training programs shall include a minimum of 15 hours from among the following topics:

- (a) maternal and infant health concepts and approaches, including:
 - (i) provision of perinatal support services from first trimester to 12 months postpartum; and
 - (ii) provision of emotional and social support, including navigating pregnancy loss;
- (b) lactation anticipatory guidance and support;
- (c) service coordination and health system navigation, including:
 - (i) provision of in-home prenatal and postpartum care support;

- (ii) assessment of psychosocial and health needs, including perinatal mood and anxiety disorders (PMADs) screening;
 - (iii) goal setting and prioritization of psychosocial and health needs;
 - (iv) antepartum (high-risk) maternal care support;
 - (v) labor support;
 - (vi) education and referrals for developmental screenings; and
 - (vii) resource navigation for wraparound services (i.e., intimate partner violence, domestic violence, oral health, family planning).
 - (d) health promotion and prevention, including:
 - (i) provision of perinatal health education;
 - (ii) provision of newborn parenting education;
 - (iii) provision of wellness and self-care coaching;
 - (e) advocacy, outreach and engagement, including:
 - (i) serving as an advocate for respectful maternal care;
 - (ii) intentional reflection of the community served;
 - (iii) care coordination and social service navigation;
 - (iv) provision of reproductive rights education, informed choice and decision-making, and birth planning; and
 - (v) child abuse and neglect mandatory reporting.
 - (f) communication skills, including:
 - (i) respectful, client-centered maternal care;
 - (ii) active listening;
 - (iii) navigating patient families, medical support staff, and other support systems; and
 - (iv) responding to challenges.
 - (g) cultural humility and responsiveness, including:
 - (i) intersectionality and cultural humility, including language access;
 - (ii) health literacy;
 - (iii) trauma-informed care;
 - (h) ethical responsibilities and professionalism, including:
 - (i) code of ethics, standards of practice, and HIPAA;
 - (ii) required charting and documentation; and
 - (iii) serving as an accountability partner.
- (2) Persons or entities who wish to be approved by the department of health as a doula training program shall submit a completed application form and application packet to the department for review and approval. An approved training program shall submit a new application form and packet to the department for review and re-approval whenever substantive changes are made to the curriculum or program scope.
- (a) All application packet materials shall be submitted to the department in a 3-ring binder or electronic packet. Binders or electronic packets shall be organized to include a table of contents, a labeled divider or cover sheet for each application part, and such other content as required by this rule and the training approval application form. Application packets shall be submitted in the manner identified on the application form. Applicants are advised to retain a complete copy of the application materials for their records. Application materials for doula training program approval shall include the following:
- (i) overview of training, to include, at a minimum, contact information, name of sponsoring organization, physical and mailing address, organization telephone and fax numbers, website address, organization type, and non-profit status;
 - (ii) training information, to include, at a minimum, the training title, description, and focus; target audience; plan for recruitment; eligibility, application, and registration criteria for participants; anticipated cost and available support; training location, format, instructional hours, and frequency; training language; a sample attendance record; information concerning training, approach, development, and delivery; involvement of doulas in training; evaluation method(s); and organizational experience in providing trainings previously, to include information concerning individual trainings and any core competencies addressed;
 - (iii) instructor and trainer information, to include, at a minimum, names, job titles, telephone and fax numbers, e-mail addresses; education and work experience; doula supervision history; training experience; the doula core competencies in which the applicant provides training; specialty knowledge and skills; and training delivery methods; and

(iv) designee signature.

(3) Determination of equivalency. The department may determine whether a training program, curriculum, or educational experience is substantially equivalent to an approved doula training program listed in 7.30.16.9 (E)(1) and at <https://www.nmhealth.org/about/phd/fhb/mch/doula/>.

(4) Evaluation criteria. In determining approval or equivalency of a training program, the department may consider factors including but not limited to:

- (a) curriculum content and instructional hours;
- (b) demonstration of core doula competencies;
- (c) instructor qualifications;
- (d) evaluation or competency verification methods; and
- (e) alignment with nationally recognized doula practice standards.

(5) The department may approve, deny, suspend, or revoke approval of training programs that do not meet the standards established by the department identified in this rule.

G. While engaging in practice as a credentialed doula, an individual shall not engage in or perform any act or service for which another professional certificate, license or other legal authority is required. Nothing in this section shall be construed to prevent or restrict the practice, service or activities of an individual simultaneously credentialed as a credentialed doula and licensed, certified, registered or otherwise legally authorized in the state to engage in the practice of another profession if that individual does not, while engaged in the authorized practice of another profession, use any name, title or other designation indicating that the individual is a credentialed doula. [7.30.16.9 NMAC - N, XX/XX/2026]

7.30.16.10 Doula scope of practice: The following is the scope of practice for New Mexico department of health credentialed doulas. A doula operating under this scope of practice shall perform services in accordance with their authorized non-clinical role and within the limitations established herein. A credentialed doula shall defer to the clinical judgment and direction of a licensed medical professional in matters involving medical necessity, client safety, and clinical care.

A Services rendered:

(1) Credentialed doulas shall provide non-clinical prenatal, labor, or postpartum support including physical comfort measures, emotional support, and evidence-based education, and shall assist clients with linkages to community-based resources.

(2) Credentialed doulas may provide support related to pre-conception, pregnancy loss, infant loss, and termination of pregnancy. Doulas may utilize supportive modalities, including but not limited to childbirth education, comfort techniques, relaxation strategies and similar non-clinical methods intended to support the client's health and wellbeing, provided such practices are consistent with the doula's training and experience, and the scope of practice of the doula's training and experience organization or mentorship program.

B. Limits to practice: The scope of practice for credentialed doulas is limited to emotional, physical, and informational support. Credentialed doulas shall not represent themselves as providing medical care. A credentialed doula shall not perform clinical or medical tasks including but not limited to:

- (1) taking blood pressure or temperature;
- (2) fetal heart tone monitoring;
- (3) vaginal examinations;
- (4) clinical postpartum care; and
- (5) medical diagnosis or treatment.

C. Advocacy:

(1) The doula supports and encourages the client to express their preferences, ask questions of their care provider, and participate in informed decision-making regarding their care.

(2) The doula may assist the client in communicating their birth plan and preferences and may support the client in adapting to changes in care when necessary.

(3) The advocacy role of the doula does not include speaking on behalf of the client without consent or making medical or personal decisions for the client.

D. Referrals: When client needs fall outside the scope of doula training or practice, the doula shall refer the client to appropriate health care providers, community resources, or support services.

E. Record keeping: Credentialed doulas shall maintain clear and accurate records of services provided to each client, in accordance with the following:

(1) Records shall be maintained for at least ten years. A credentialed doula shall retain all client records of minors for at least ten years, or at least one year after the person reaches the age of majority,

whichever period of time is greater. All client records are subject to inspection by the bureau and shall be maintained so that they are reasonably accessible.

(2) Records shall be maintained consistent with New Mexico Administrative Code 8.302.1.17 NMAC (“Record Keeping and Documentation Requirements”).

F. Confidentiality:

(1) A doula shall maintain the confidentiality of client information obtained in the course of practice. Client information shall only be accessed, used, or disclosed for purposes of providing services or fulfilling program responsibilities, unless the client provides written or documented consent for disclosure.

(2) Confidential information shall not be shared through social media, text messaging, email, or other communication methods unless appropriate consent and privacy safeguards are in place.

G. Mandated reporting: Credentialed doulas shall comply with all applicable mandated reporting requirements under New Mexico Statutes Section 32A-4-3 Duty to report child abuse and neglect. [7.30.16.10 NMAC - N, XX/XX/2026]

7.30.16.11 Doula standards of practice: All credentialed doulas shall adhere to standards of professional conduct, client safety, ethical practice, body sovereignty and self-determination, and community-based care while providing doula services.

A. Professional conduct: A credentialed doula shall maintain professional conduct and accountability while providing services. This includes but is not limited to:

- (1) practicing in an ethical manner consistent with professional standards established by the doula’s training organization, mentorship program, or other recognized professional body;
- (2) accurately representing services, policies, and practices to clients;
- (3) providing a copy of the written contract to the client;
- (4) interacting with clients in a manner that respects the integrity and dignity of both the client and the doula;
- (5) encouraging participation, communication, and feedback from the client; and
- (6) maintaining respectful and professional relationships with other health care providers and professionals.

B. Client safety: A credentialed doula shall promote and protect client safety while providing services. A doula shall:

- (1) maintain truthful and accurate records and shall not falsify client documentation;
- (2) take reasonable steps to promote a safe environment for clients, including awareness of suspected abuse or neglect in accordance with applicable law;
- (3) establish and maintain appropriate professional boundaries with clients;
- (4) refrain from conduct that may cause physical, verbal, mental, or emotional harm to a client;
- (5) refrain from being present at a birth without a medical professional in attendance;
- (6) refrain from exploiting clients for financial or personal gain or misappropriating client property;
- (7) refrain from sexual conduct, sexually suggestive behavior, or sexually demeaning language toward a client;
- (8) treat each client with courtesy, respect, dignity, and recognition of individuality; and
- (9) provide reasonable privacy for clients during the provision of doula services.

C. Ethical practice: A credentialed doula shall adhere to ethical standards in the provision of services. A credentialed doula shall:

- (1) conduct themselves in a respectful and appropriate manner toward clients and families;
 - (2) support the client’s decision-making without making decisions on behalf of the client;
- and
- (3) refrain from providing medical advice or performing medical or clinical procedures.

D. Body sovereignty and self-determination: A credentialed doula shall promote and respect the client’s autonomy and right to self-determination. A credentialed doula shall:

- (1) support the rights of individuals to bodily autonomy and informed decision-making;
- (2) respect the dignity, individuality, and diversity of each client;
- (3) demonstrate cultural humility and cultural safety in the provision of services; and
- (4) support shared decision-making within the context of the client’s family, community, and health care setting.

E. Community-based care: A credentialed doula shall support community-centered and culturally responsive care. A credentialed doula shall:

- (1) recognize that health and care experiences are influenced by social, cultural, legal, economic, historical, and community factors;
- (2) engage collaboratively with clients, communities, and health professionals to support positive health outcomes;
- (3) encourage the involvement of support persons as appropriate to the client's wishes.

[7.30.16.11 NMAC - N, XX/XX/2026]

7.30.16.12 APPLICATION PROCESS:

A. Credentialing requirements: A doula shall be credentialed by the department prior to enrolling as a Medicaid provider with the authority. A doula credential is not transferable, and the initial application credential will be approved for two years.

B. Initial application:

(1) An applicant may submit applications to the department office located in Santa Fe, through the department approved website, by fax or mail.

(2) All applicants for initial applications in New Mexico shall:

(a) submit to the department a completed application in a form specified by the department to include verification that applicant has met the eligibility requirements in this rule; and

(b) upon conditional approval of the application, submit a request to the department of public safety (DPS) or a DPS vendor for a state and national criminal history screening. The results of the criminal history screening shall be received by the department before a credential can be issued.

C. Completed application: The department considers an application complete when it includes all required information on the prescribed form, and all required supporting documentation necessary for the department to review, process, and make a disposition on the application.

D. Application date: The department considers the date the department receives a fully completed application as the application date. The department shall use the application date to establish timelines for any required administrative actions by the applicant or the department.

E. Incomplete application: An application submitted to the department that lacks required information, documentation, or supporting materials necessary for the department to review, process, or make a determination regarding the application is considered incomplete. An incomplete application shall not be processed until all required information and documentation are received by the department. The department may notify the applicant of the deficiency and request submission of the missing information within a timeframe established by the department. Failure to provide the requested information may result in denial or administrative closure of the application.

F. Recredential application: When a doula's credential period expires, their credential to participate as a doula provider with Medicaid ends unless they recredential. Timely applications for recredential, defined as those received by the fifth day of the month of credential expiration, will be approved or denied before the end of the month of expiration date. An approved application will be recredentialled for two years beginning the month after the current recredential date.

(1) An applicant for recredential shall submit to the department a completed application in a form specified by the department to include verification that applicant has met the eligibility requirements identified in this rule, and current certificates in CPR and HIPAA training dated within 3 months of the date of recredential application submission.

(2) Documentation shall be submitted with the application verifying that the applicant has completed the following CE requirements within two years of the date of recredential application submission:

(a) 12 hours shall be completed in primary CE topics below with a minimum of 3 hours in each topic:

- (i) maternal mental health;
- (ii) prenatal and postpartum care for individuals experiencing substance use disorders;

- (iii) lactation support; and
- (iv) cultural humility in reproductive health

(b) 12 hours shall be completed in secondary CE topics; below are examples of secondary CE topics applicable to the doula practice:

- (i) perinatal care for indigenous families;

- (ii) perinatal nutrition or gestational diabetes;
- (iii) support for special birth circumstances;
- (iv) perinatal care for families from various backgrounds;
- (v) trauma informed care;
- (vi) grief and loss;
- (vii) postpartum care and recovery;
- (viii) maternal morbidity and mortality;
- (ix) fertility and preconception; and
- (x) support for pregnancy termination. (3)

Continuing education program approval:

(a) The department approves doula continuing education programs and activities that meet specific criteria. Doulas who complete approved programs or activities may then receive credits towards meeting the CE requirement for credential renewal. Department-approved programs or activities include but are not limited to CE programs or activities that satisfy continuing education requirements for licensed lactation professionals, midwives, and nurses in New Mexico. Doulas may also submit materials such as agendas or syllabi from other CE programs or activities for CE credit. To be approved by the department for CE credit, a proposed CE program or activity shall contain curricular, practical or clinical content primarily related to one or more of the required topics identified in this rule. The following programs and activities are illustrative of the types of continuing education programs and activities which may be approved by the department if they otherwise satisfy the requirements identified in this rule:

(i) attendance at or participation in meetings, conferences, workshops, seminars, or courses, including those sponsored or presented by the department, with topics relevant to health equity;

(ii) completion of academic courses related to specific knowledge or skills required for practicing as a birth worker at an accredited postsecondary, graduate, or postgraduate education institution; and

(iii) internet-based learning programs.

(b) A CE provider may seek department approval of a CE program or activity by submitting a completed CE application. Applications must be received at least four weeks prior to the program start date; applications received after that date will not be reviewed or approved.

(c) A CE provider's application for approval of a CE program or activity shall satisfy the following criteria:

(i) The CE provider has responsibility for and control over all aspects of the CE program(s) sufficient to ensure that educational objectives and standards are met;

(ii) The CE provider has in place a system for selection and supervision of qualified instructors;

(iii) The CE provider has in place a system for evaluation of each approved program by program participants;

(iv) Program presenters, instructors, or trainers are credentialed doulas who have at least three years of working experience, or if they are not credentialed doulas, have demonstrated subject matter expertise and experience related to health equity, doula work, birth, or perinatal care.

(v) Any research referenced in the training shall be based on current empirical research and known best practices;

(vi) The program or activity has in place a system for documenting participants' attendance or assessing participants' knowledge or skills gained from the CE.

(d) Retention of approved program materials by providers: It is the responsibility of the continuing education provider to maintain CE program information as well as attendance records for all participants, and to issue certificates of completion of each approved program. Such records should be retained for a minimum of three years from the date of the program and be made available to participants upon request. CE providers are not required to submit attendance sheets to the department.

(e) Evaluations: The CE provider shall collect program evaluations from participants. Evaluations are for the provider's records only; however, if the program is more than 3 CE credits, an evaluation review (no more than one page) shall be submitted to the department within one month of the date that the program is held.

(f) Internet-based learning: For internet-based learning programs, contact hours are determined on content, time to review the content, and an appropriate number of test questions that reflect

whether the learning objectives have been met. Post-test on all distance learning products with a passing score of not less than seventy percent is required.

(g) Credit hour determination: One continuing education hour equals one clock-hour of instruction. Breaks, lunches, introductions, and social events do not count toward CEs.

(h) Department approval of a CE program is valid for two years. (4) Upon conditional approval of the application, an applicant for recredential shall submit a request to DPS or a DPS vendor for a current state and national criminal history screening every recredentialing period (i.e., every two years).

(5) The department shall provide to a credentialed doula notice of expiration ninety days before the first day of the last month of the credentialed period.

(6) A doula who fails to submit the recredential application by the recredential expiration date shall lose their credential and be required to submit a new application.

G. Reinstatement of credential: A lapsed credential occurs on the first day of the month following the expiration date of the current credential.

(1) A credential may be reinstated if the applicant completes all required documents for recredentialing before the last day of the credential month.

(2) A credential may also be reinstated if the department has requested additional documentation and the applicant provides all required documents/information within the time frame set by the department.

(3) Credential will be reinstated with original credential number and recredential month.

(4) Applications missing requirements are considered incomplete and will not be reinstated.

H. Change of address or other contact information: A credentialed doula shall submit a change of any contact information to the department office located in Santa Fe, through the department approved website, by fax or mail within 30 days of the change; failure to update information within this time frame may result in delay and/or termination of credential.

[7.30.16.12 NMAC - N, XX/XX/2026]

7.30.16.13 APPLICATION PROCESSING TIME LIMITS:

A. New application: The department shall complete review and make a determination on an application within 30 calendar days of receipt of the completed application.

B. Recredential application: The department shall review and make a determination on a timely submitted and complete recredential application before the credential expires.

C. Reinstatement: The department shall review and make a determination on a complete recredential application received after the fifth day but prior to credential expiration at the end of the following month. A credential may be reinstated after the credential expiration date, if the credentialed doula provides all required documentation within the timeframe outlined by the department. Failure to provide a complete recredential application will automatically terminate the credential, and a notice will be sent to the applicant and to the authority.

[7.30.16.13 NMAC - N, XX/XX/2026]

7.30.16.14 CRIMINAL HISTORY SCREENING:

A. Criminal records; fingerprinting: The department is authorized to obtain the criminal history records of applicants and to exchange fingerprint data directly with the federal bureau of investigation (FBI), DPS and any other law enforcement agency or organization. The department shall require fingerprinting of applicants for the purposes of this section and as determined by the department.

B. Procedure:

(1) Upon conditional approval of an application, the department shall require the applicant to submit a request to DPS or a DPS vendor for a current state and national criminal history screening.

(2) The department shall provide applicants with the department's originating agency identification (ORI) number or other department identifier for the purposes of criminal history screening.

(3) Applicant shall provide to DPS or a DPS vendor a background check request, fingerprints, and supporting documentation including an authorization for release of information to the department in accordance with DPS or the designated vendor's procedures.

(4) DPS or the designated DPS vendor shall review state records and also transmit the fingerprints to the FBI for a national screening. The results of the screening shall be made available to the department for review.

(5) The department shall make a determination whether the applicant has been convicted of a felony that bears upon the applicant's fitness to provide services.

(6) Applicant shall bear any costs associated with ordering or conducting criminal history screening. Fees are determined by and payable to DPS or the designated DPS vendor. Fees cannot be waived by the department.

(7) The department shall comply with applicable confidentiality requirements of DPS and the FBI regarding the maintenance, dissemination, and destruction of criminal background check information.

(8) For applicants with no criminal history, or with no history of felony convictions, the department shall issue a credential in accordance with this rule if all other requirements for credential have been satisfied.

[7.30.16.14 NMAC - N, XX/XX/2026]

7.30.16.15 DOULA CREDENTIALING ADVISORY COUNCIL:

A. Advisory council membership:

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

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

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

(4) Twelve members appointed by the secretary of the department from diverse linguistic and cultural backgrounds and varied geographic regions, at least eight of whom shall be doulas.

(5) The department will work towards assuring underrepresented, marginalized and underserved communities are represented in the councils. However, if such groups are not able to be represented due to lack of qualified application, the department will make decision to best fit the purpose of the council.

(6) Members from underserved communities with experience advocating for or providing or receiving services relating to promoting positive pregnancy-related health outcomes.

(7) Members may receive reimbursement as provided for in the Per Diem and Mileage Act, Section 10-8-1 *et seq.* NMSA 1978 and shall receive no other compensation, perquisite or allowance. However, reimbursement is dependent upon availability of funds.

(8) Non-designated members of the board shall serve a term of three years and shall not serve consecutive terms and shall have at least one-calendar year break-in between terms in any capacity.

(9) The designated members appointed by the secretary shall initially serve a three-year term. Each member shall hold office until his or her successor is appointed.

B. Meetings: Appointed members shall convene at least once per quarter at the call of the department and as frequently as reasonably necessary to review and make recommendations regarding the doula training, education, workforce development plan and information collection.

(1) Meetings shall be conducted in accordance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978. A simple majority of the members of the board shall constitute a quorum for the purpose of transacting official business.

(2) Members are required to attend at least 75% of the council meetings.

(3) The department shall arrange and record attendance and meeting notes.

(4) The department shall take the lead for recommendation of board members removal for non-participation or any other good cause.

C. Duties and responsibilities: The doula credentialing advisory council's duties shall include making recommendations to the secretary on the following matters:

(1) Developing standards and requirements for minimal levels of education, training and experience for credentialing;

(2) Developing standards and requirements for approval or acceptance of continuing education courses and programs that the secretary may require for the recredential of a credential;

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

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

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

[7.30.16.15 NMAC - N, XX/XX/2026]

7.30.16.16 NEW MEXICO REGISTRY OF CREDENTIALLED DOULAS: The New Mexico registry of credentialed doulas shall be maintained at the department. The registry shall contain the name, credential number, credential status, and geographic location of the CD. Registry information is subject to public inspection. [7.30.16.16 NMAC - N, XX/XX/2026]

7.30.16.17 CREDENTIAL REVIEW COMMITTEE:

A. A credential review committee is hereby established.

(1) The committee shall be composed of five employees of the department's public health division, including the director of the center for healthy and safe communities, family health bureau chief and the maternal health program manager.

(2) The committee shall conduct an individualized review of the grounds for action against a credential and shall determine whether to pursue action against a credential by a majority vote.

(3) A credential may be denied, suspended or revoked, or may be subject to any lesser action, including but not limited to reprimand or probation.

(4) If a credential is denied, suspended or revoked due to disciplinary action, re-application will only be considered after the denial, suspension or revocation period has been completed, and the re-application shall be accompanied by a demonstration of rehabilitation, a full disclosure and complete record of previous action, and a request to DPS or a DPS vendor for a current state and national criminal history screening.

(5) To ensure compliance with the provisions of the Doula Credentialing and Access Act or any rule that the secretary has adopted and promulgated pursuant to that act, the department may issue cease-and-desist orders to persons who violate the provisions of the Doula Credentialing and Access Act.

B. Grounds for action against a credential:

(1) Conviction of a felony that bears upon the applicant's fitness to provide services.

(2) Fraud, deceit, or misrepresentation during the credential application process.

(3) Failure to possess and apply the knowledge, skill or care that is ordinarily possessed and exercised by a credentialed doula or as defined by the core competencies.

(4) Failure to meet the standard of care as defined by the department.

(5) Failure to meet the scope of practice as defined by the department.

(6) Unprofessional conduct, which includes but is not limited to:

(a) verbally or physically abusing a client;

(b) unauthorized practice or practice which is beyond the defined scope of practice for credentialed doulas, including unauthorized use of the credentialed doula designation;

(c) unauthorized disclosure of medical or other confidential information;

(d) obtaining or attempting to obtain any fee for client services for oneself or for another through fraud, misrepresentation or deceit;

(e) false or misleading statements in any contract with a client; or

(f) physical or mental incapacity which could result or has resulted in performance of a credentialed doula's duties in a manner which endangers or could endanger the health and safety of others.

C. Committee review of criminal history screening results:

(1) The committee shall conduct an individualized review of applications with an associated history of felony convictions that could reasonably bear upon the applicant's fitness to provide services and shall determine whether to pursue action against a credential by a majority vote. Committee members shall meet any DPS or FBI requirements regarding individuals who handle criminal history information.

(2) The committee may request that applicants provide additional information in writing in order to make a final determination of credential, such as evidence of acquittal, dismissal, conviction of a lesser included crime or rehabilitation.

(3) The provisions of the Criminal Offender Employment Act, Section 28-2-1 through 28-2-6 NMSA 1978 shall govern any consideration of criminal records required or permitted by the Doula Credentialing and Access Act. The following factors may also be considered in order to make a final determination on credential:

(a) total number of felony convictions and types of crimes;

(b) time elapsed since last conviction or since discharge of sentence;

(c) circumstances of the crime including but not limited to whether violence was involved;

(d) activities evidencing rehabilitation, including but not limited to substance abuse or other rehabilitation programs;

(e) false or misleading statements in the application; and

- (f) relation of crimes to the scope of practice.
- (4) For the purposes of this section and pursuant to the Criminal Offender Employment Act, Section 28-2-4 NMSA 1978:
- (a) if an applicant has been convicted of a felony, and the conviction does not directly relate to the scope of practice, there is a presumption of sufficient rehabilitation if the applicant has completed probation or parole supervision or a period of three years has lapsed after final discharge or release from any term of imprisonment without subsequent conviction; and
- (b) if an applicant has been convicted of a felony, and the conviction directly relates to the scope of practice, then the burden is on the applicant to prove by a preponderance of the evidence that he or she has been sufficiently rehabilitated.
- (5) Applicants shall be notified in writing of the decision to pursue action against a credential based on the results of a criminal history review, including a statement of the grounds or subject upon which the action is based.
- (6) An applicant whose credential or recredential is denied, suspended or revoked based on information obtained in a criminal history background check, shall be entitled to review the information obtained and to appeal the decision pursuant to the procedure in accordance with this rule.
- D. Committee review of other grounds for action:**
- (1) The committee shall conduct an individualized review of the grounds for action against a credentialed doula or applicant and shall determine whether to pursue action against a credential by a majority vote.
- (2) The committee may request that applicants provide additional information in writing in order to make a final determination of credential.
- (3) Applicants shall be notified in writing of the decision to pursue action against a credential based on the results of the committee's review, including a statement of the grounds or subject upon which the proposed action is based.
- (4) An applicant whose credential or recredential is denied, suspended or revoked shall be entitled to review the information obtained and to appeal the decision pursuant to the procedure in accordance with this rule.
- E.** An applicant who is subjected to an action against a credential other than denial, suspension, or revocation may, upon good cause, submit a verbal or written request to the credential review committee for a secondary review. Requests for review must be submitted within 10 working days of the original decision to take action against a credential. All decisions by the committee after a secondary review are considered final and are not subject to appeal within the department.
- [7.30.16.17 NMAC - N, XX/XX/2026]

7.30.16.18 HEARINGS:

- A. Right to appeal:** A credentialed doula or applicant for credential may appeal a decision by the department to deny, suspend, revoke, or take other adverse action against a credential, by requesting a hearing by mailing a certified return receipt letter to the address provided in the notice of action within 20 days after service of notice. A doula training program provider or CE provider may appeal a decision by the department to deny the program's application for approval of the training program or CE program, or to suspend or revoke a prior approval of such an application, by requesting a hearing by mailing a certified return receipt letter to the address provided in the notice of action within 20 days after service of notice.
- B. Notice:** The department shall serve upon the affected person or entity written notice describing the contemplated action against a credential, training program, or CE program and a statement of the grounds or subject upon which the action is based and instructions for requesting a hearing.
- C. Notice of hearing:** Upon receipt of a timely request for a hearing, the department shall appoint a hearing officer and schedule a hearing within 60 working days of receipt of the request. Hearings will be held in Santa Fe, New Mexico.
- (1) Either party may request a continuance at least 10 days prior to the scheduled hearing, to be approved or denied by the hearing officer.
- (2) If an affected person or entity fails to appear after requesting a hearing, the hearing officer may proceed to consider the matter and render a report and recommendation.
- (3) If no request for a hearing is made in the time and manner specified, the committee shall take the action against the credential, training program, or CE program and such action shall be final.

D. Hearing officer duties: The hearing officer shall preside over the hearing, administer oaths, take evidence and decide evidentiary objections and rule on any motions or other matters that arise prior to the hearing. A motion for a virtual hearing may be made by either party with appropriate advanced notice and good cause shown.

E. Admissible evidence: The hearing officer may admit evidence and may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs. Rules of evidence shall not apply but may be considered in determining the weight to be given to any item of evidence. Action against a credential, training program or CE program must not be based solely on hearsay evidence.

F. Discovery: Any party is entitled to obtain the names and addresses of witnesses who will or may be called by the other party to testify and to inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing. Additional discovery may be ordered at the hearing officer's discretion.

G. Burden of proof: In accordance with the Criminal Offender Employment Act:

(1) When the action against a credential is not based on a review of the applicant's criminal history report, the department has the burden of proving by a preponderance of the evidence the basis for the action.

(2) When the action against a credential is based on a review of the applicant's criminal history report, and the applicant has been convicted of a felony directly related to the scope of practice, the applicant has the burden of proving sufficient rehabilitation by a preponderance of the evidence.

H. Conduct of hearing: Hearings shall be open to the public but may be closed at either party's request, at the discretion of the hearing officer. The hearing officer shall state on the record the reasons for holding a closed hearing.

I. Legal representation: An individual or entity entitled to a hearing under this rule shall have the right to be represented by an attorney licensed to practice in New Mexico or by a member of his or her profession or occupation, or both.

J. Hearing officer written report and recommendation(s): The hearing officer shall issue a report and recommend findings to the secretary and/or their designee within 30 working days of the final submission in the case.

K. Decision of the department: The secretary and/or their designee shall render a final determination in writing, including the basis for the decision, within 30 calendar days of the submission of the hearing officer's written report. A copy of the final decision shall be mailed to the applicant by credentialed mail, return receipt requested to the most current address provided by the applicant. It is the responsibility of the applicant to provide current contact information to the program.

L. Reinstatement of a suspended or revoked credential:

(1) Requests for reinstatement for a revoked credential shall not be considered by the department prior to the expiration of three years from the date of the revocation indicated in the department's final decision. Requests for reinstatement of a suspended credential shall not be considered by the department prior to the expiration of one year from the date of the suspension indicated in the department's final decision.

(2) Individuals who request reinstatement of their credential shall provide the department with substantial evidence to support their request in the form of notarized written reports or sworn statements from individuals who have personal knowledge of the individual's activities and progress during the time that the credential is suspended or revoked.

(3) Reinstatement of a suspended or revoked credential requires proof of meeting the recredential requirements as set forth in this rule.

(4) If reinstatement of a suspended or revoked credential is denied, individuals have a right to appeal in accordance with the hearing procedures set forth in this rule.

[7.30.16.18 NMAC - N, XX/XX/2026]

7.30.16.19 DATA COLLECTION AND REPORTS:

A. The authority shall provide data to the department consistent with the Doula Credentialing and Access Act, Section 24-36-6 NMSA 1978, collaboration information sharing and reporting.

B. The department shall receive and compile the report and submit it annually to the governor and the legislature. All demographic information will be reported in a disaggregated, non-personal identifying manner.

[7.30.16.19 NMAC - N, XX/XX/2026]

7.30.16.20 INSPECTION OF RECORDS: The following records are not subject to public inspection, and shall be maintained in a confidential manner:

A. Health information protected by state and federal laws.

B. Materials associated with reviews conducted by the certification review committee, including but not limited to criminal history information.

C. Protected personal identifier information, as that term is used in the Inspection of Public Records Act at Section 14-2-1.1 NMSA 1978, that are contained in an application, including all but the last four digits of a date of birth and social security numbers.

[7.30.16.20 NMAC- N, XX/XX/2026]