

4723-24-01                    **Definition of terms.**

For the purpose of this chapter, the following definitions apply:

- (A) Those definitions found in section 4723.89 of the Revised Code, and the following.
- (B) "Board" means the Ohio board of nursing.
- (C) "Certificate to practice" means the certificate issued by the board in accordance with section 4723.89 of the Revised Code.
- (D) "Certified doula" means an individual who holds a certificate to practice issued or renewed by the board under section 4723.89 of the Revised Code.
- (E) "Client" means the recipient of doula services as defined in section 4723.89 of the Revised Code.
- (F) "Continuing education" means a planned learning activity that builds upon a certified doula's certification program, and/or education and work experience, and enables a certified doula to acquire or improve skills, knowledge or behavior that promotes professional or technical development and is approved by the board under Chapter 4723-14 of the Administrative Code, or that is offered by a doula certifying organization that is recognized on an international, national, state, or local level, for training and certifying doulas, or that is accepted by such an organization to satisfy its own continuing education requirements for maintenance of, or renewal of, its doula certification.
- (G) "Doula" means a trained, nonmedical professional who advocates for, and provides continuous physical, emotional, and informational support to, a pregnant woman through the delivery of a child and immediately after the delivery, including any of the following periods:
  - (1) The antepartum period;
  - (2) The intrapartum period;
  - (3) The postpartum period.
- (H) "Inactive certificate" means the status of the certificate that an individual has placed on inactive status. An individual with an inactive certificate does not hold a current, valid certificate.
- (I) "Lapsed certificate" means the status of a certificate of an individual who did not meet all of the requirements of certificate renewal and has not requested prior to the renewal deadline that the board place the certificate on inactive status.

4723-24-02

**Doula certification.**

(A) To obtain a certificate to practice as a Doula, an applicant who meets the qualifications set forth in division (A) of section 4723.89 of the Revised Code shall:

- (1) Submit a completed "Doula Application."
- (2) Be at least eighteen years of age at the time of submitting the Doula Application.
- (3) Submit an application fee of thirty-five dollars as authorized by section 4723.89 of the Revised Code.
- (4) Be certified by a doula certification organization that is recognized on an international, national, state, or local level, for training and certifying doulas, or, if not certified, have education and experience considered by the board to be appropriate, as specified in these rules.

(a) If applying based on certification by a doula certification organization recognized on an international, national, state, or local level, for training and certifying doulas, the certification must be current and must either be

(i) provided directly to the board by the doula certifying organization;  
or

(ii) if provided by the applicant, the applicant must provide contact information sufficient for the board to verify the certification, including but not limited to the certification organization's name, mailing address, telephone number, email address if one is available, website if one is available, and any other information necessary for the board to verify the certification.

(iii) In addition, the applicant must attest that they have completed four hours of training directly related to racial bias, health disparities, and cultural competency either through their doula certification organization or otherwise.

(b) If applying based on education and experience:

(i) The applicant must have completed ten hours of education that meets the requirements of Rule 4723-24-04 for doula continuing education.

(ii) At least four of those hours must be training directly related to racial bias, health disparities, and cultural competency. The remaining six hours should relate to the doula's practice.

(iii) The applicant's education may be demonstrated by attestation to having completed education meeting these requirements. At the discretion of the board, the applicant may be required to show proof of completion of the education. Failure to provide proof of completion shall result in ineligibility to be issued a certificate by the board until proof of completion is provided to the board.

(iv) In addition, the applicant must have been actively engaged in practice as a doula for three years immediately prior to the date the application is submitted to the board. The applicant may have verification of having been actively engaged in practice as a doula for three years submitted directly to the board by an employer or an employer designee. Alternatively, the applicant may attest to having provided doula services to five clients over the three years immediately prior to the date of the application. At the board's discretion, an applicant may be required to provide date spans and a general description of the doula services provided for each of the five clients.

(5) In accordance with division (A) of section 4723.091 of the Revised Code, submit a request to the bureau of criminal identification and investigation for a criminal records check. The results of the criminal records check shall:

(a) Be received by the board before a certificate can be issued; and

(b) Indicate that the individual has not been convicted of, pled guilty to, or had a judicial finding of guilt for any violation set forth in section 4723.092 of the Revised Code.

(B) The board shall issue a certificate to practice as a Doula to applicants who satisfy the requirements of paragraph (A) of this rule, after receipt of written documentation meeting all requirements of this rule.

(C) If an applicant fails to meet the requirements for certification within one year from the time the board receives the application, the application shall be considered void and the fee shall be forfeited. The application shall state the circumstances under which this forfeiture may occur.

(D) A Doula certificate shall be considered current until the next scheduled renewal period for certified Doula. When a certificate is issued on or after January first of an even numbered year, that certificate shall be considered current through March thirty-first of the next even numbered year.

4723-24-03

Renewal of doula certificate.

- (A) The board shall provide on-line access to a "Board Certified Doula Renewal Application" to every holder of a current, valid certificate, except when the board is aware that the individual may be ineligible for certificate renewal for any reason, including those reasons set forth in section 4723.092 of the Revised Code. Failure of the certificate holder to receive an application for renewal from the board does not excuse the certificate holder from the requirements of section 4723.89 of the Revised Code and this chapter, except as provided in section 5903.10 of the Revised Code.
- (B) To renew a certificate to practice as a board certified doula a holder of a current, valid certificate shall meet the continuing education requirements set forth in rule 4723-24-04 of the Administrative Code and submit:
- (1) A completed on-line "Board Certified Doula Renewal Application", and
  - (2) A renewal fee of thirty-five dollars as authorized by section 4723.89 of the Revised Code.
- (C) If a completed renewal application is not submitted on-line on or before March first of each even numbered year, the application shall be considered late and a late fee of fifty dollars shall be imposed in addition to the thirty-five dollar renewal fee.
- (D) A certificate holder with a current, valid certificate may place the certificate on inactive status at any time by electronic request.
- (E) To reactivate an inactive certificate or reinstate a lapsed certificate the certificate holder must meet the continuing education requirements set forth in rule 4723-24-04 of the Administrative Code and submit:
- (1) A completed "Board Certified Doula Reactivation and Reinstatement Application" including all required documentation; and
  - (2) A reactivation fee in the amount of thirty-five dollars as authorized by section 4723.89 of the Revised Code.
- (F) A certificate holder who has placed a board certified doula certificate on inactive status is not required to pay a renewal fee unless the holder seeks to reactivate the certificate. If the certificate holder placed a certificate on inactive status after March second of the year in which the certificate was to be renewed, and notifies the board on or before March thirty-first of the same year of the intent to reactivate, the certificate holder must still pay the late processing fee required by paragraph (C) of this rule.
- (G) If a certificate to practice as a board certified doula is not renewed by March thirty-first of each even numbered year and the certificate holder has failed by that time to request that the certificate be placed on inactive status, the certificate will

lapse.

(H) When a board certified doula certificate is inactive or lapsed, the individual shall not represent or imply to the public that he or she is certified by the board as a board certified doula.

(I) An individual who continues to represent to the public that he or she is a board certified doula during the time that his or her certificate is inactive or lapsed, may be subject to disciplinary action by the board in accordance with rule 4723-24-07 of the Administrative Code.

(J) A board certified doula certificate holder who is a service member or veteran, as defined in rule 4723-2-01 of the Administrative Code, or who is the spouse or surviving spouse of a service member or veteran, may be eligible for a waiver of the late application fee and the reinstatement fee according to rule 4723-2-03 of the Administrative Code.

4723-24-04

Continuing education requirements.

- (A) Except in the case of the first renewal of a current, valid certificate to practice as a board certified doula, to be eligible to renew a certificate, a board certified doula shall complete ten contact hours of continuing education, as defined in 4723-24-01, of the Administrative Code, during each renewal period. For each reporting period, at least four of the required hours of continuing education must be training on racial bias, health disparities, and cultural competency. The remaining six hours should relate to topics relevant to the doula's practice.
- (B) A board certified doula who requests that the certificate be placed on inactive status shall not be required to meet the continuing education requirement for the period of time the certificate is on inactive status. To reactivate the certificate the board certified doula shall complete ten hours of continuing education that meet the requirements as set forth in paragraph (A) of this rule, during the twenty-four months immediately prior to the application for reactivation.
- (C) The holder of a lapsed certificate shall complete ten hours of continuing education that meet the requirements of paragraph (A) of this rule during the twenty-four months immediately prior to the application for reinstatement of the certificate.
- (D) A board certified doula shall verify completion of the continuing education required by this rule on the "Board Certified Doula Renewal Application" or "Board Certified Doula Reactivation and Reinstatement Application" for certificate renewal, reactivation or reinstatement, and at the discretion of the board, may be required to show proof of completion of the continuing education. Failure to verify or provide proof of completion shall result in ineligibility to renew, reactivate, or reinstate a certificate until proof of completion of the continuing education requirements is provided to the board.
- (E) A board certified doula who earns more than the number of contact hours of continuing education required for a single reporting period can apply up to five of the excess hours to satisfy future continuing education requirements.
- (F) A board certified doula who is ineligible to renew or reinstate a certificate due to failure to meet the continuing education requirements, may be required to show completion of the required number of ten hours of continuing education, that meets the requirements of this rule, before their certificate is renewed or reinstated by the board.
- (G) A board certified doula may use a waiver to satisfy the continuing education requirement only one time, and must notify the board in writing requesting the waiver. Once requested the waiver cannot be rescinded and use of the waiver shall be documented on the board certified doula's record.
- (H) The calculation of continuing education hours based on credit hours earned in an academic institution is as follows:

- (1) For credit hours earned on an academic quarter system, one credit hour is equivalent to ten continuing education hours;
  - (2) For credit hours earned on an academic trimester system, one credit hour is equivalent to twelve continuing education hours;
  - (3) For credit hours earned on an academic semester system, one credit hour is equivalent to fifteen continuing education hours; and
  - (4) For credit hours that have not been identified as quarters, semesters, or trimesters, one credit hour is equivalent to ten continuing education hours.
- (I) Educational activities that satisfy the requirements of this rule are set forth in rule 4723-24-01 of the Administrative Code.
- (J) The board may conduct a retrospective audit of any holder of a certificate to practice as a board certified doula to determine compliance with this rule. The audit shall be conducted according to rule 4723-14-07 of the Administrative Code. A board certified doula shall retain proof of completion of continuing education that meets the requirements of rule 4723-24-01 of the Administrative Code, for a period of six years.
- (K) A board certified doula who is engaged in active military duty may be eligible for an extension of time to complete continuing education as provided in rule 4723-2-04 of the Administrative Code.

4723-24-05

**Doula certification by endorsement.**

(A) An applicant for doula certification by endorsement shall satisfy the following:

- (1) Submit a completed "Certified Doula by Endorsement Application" and the certification application fee required by section 4723.89 of the Revised Code and Rule 4723-24-02, of the Administrative Code and Chapter 4796. of the Revised Code;
- (2) Submit to a criminal records check completed by the bureau of criminal identification and investigation;
- (3) The applicant has not surrendered or had revoked a license, out-of-state occupational license, or government certification because of negligence or intentional misconduct related to the applicant's practice as a doula;
- (4) The applicant has not been convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a criminal offense for which a licensing authority may deny an application for a license or government certification or that would otherwise disqualify the applicant for the license or government certification under the applicable law of this state governing the profession, occupation, or occupational activity for which the applicant is applying;
- (5) The applicant attests to having completed four hours of training on racial bias, health disparities, and cultural competency within one year prior to the date of the application. The training shall meet the requirements for doula continuing education as defined in rule 4723-24-01 of the Administrative Code. At the discretion of the board, the applicant may be required to show proof of completion of the education. Failure to provide proof of completion shall result in ineligibility to be issued a certificate by the board until proof of completion is provided to the board.
- (6) Submit any other documentation required by the board.

(B) Pursuant to section 4796.03 of the Revised Code, the board shall issue a doula certificate in accordance with Chapter 4796. of the Revised Code to an applicant if the applicant holds a substantially similar out-of-state occupational license to engage in practice as a doula, or, holds a government certification to engage in practice as a doula from one of the uniformed services or from a state that does not issue a license for practice as a doula, if the applicant:

- (1) Has held the license or government certification for at least one year immediately preceding the date the application is submitted to the board;
- (2) Has been actively engaged in practice as a doula for at least one of the five years immediately preceding the date the application is submitted to the board;



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(3) Is in good standing in all jurisdictions in which the applicant holds the license or government certification; and

(4) Was required to satisfy minimum education, training, or experience requirements or pass an examination to receive the license or government certification.

The applicant shall have verification of licensure or government certification to practice as a doula submitted directly to the board from the issuing state or uniformed services. The applicant shall also have verification of having been actively engaged in practice as a doula for at least one of the past five years submitted directly to the board by the employer or employer designee for whom the applicant practiced as a doula.

(C) Pursuant to section 4796.04 of the Revised Code, the board shall issue a doula certificate in accordance with Chapter 4796. of the Revised Code to an applicant who has held a private certification as a doula in a state that does not issue an occupational license or governmental certification to practice as a doula, if the applicant:

(1) Held the private certification for at least two years immediately preceding the date the application is submitted;

(2) Has been actively engaged in practice as a doula in a state that does not issue an occupational license or government certification to practice as a doula, for at least two of the five years immediately preceding the date the application is submitted; and

(3) Is in good standing with the private organization that issued the private certification; and

(4) The private certification must be current and must either be:

(a) provided directly to the board by the doula certifying organization; or

(b) if the private certification is provided by the applicant, the applicant must provide contact information sufficient for the board to verify the certification, including but not limited to the certification organization's name, mailing address, telephone number, email address if one is available, website if one is available, and any other information necessary for the board to verify the certification.

The applicant shall also have verification of having been actively engaged in practice as a doula for at least two of the past five years, submitted directly to the board by the employer or employer designee for whom the applicant practiced as a doula.

(D) Pursuant to section 4796.05 of the Revised Code, the board shall issue a doula certificate in accordance with Chapter 4796. of the Revised Code to an applicant who, for at least three of the five years immediately preceding the date the application is submitted to the board, has been actively engaged in practice as a doula, in either:

(1) A state that does not issue an occupational license or government certificate to practice as a doula, or

(2) Service of the uniformed services.

The applicant shall have verification of having been actively engaged in practice as a doula for at least three of the past five years submitted directly to the board by the employer or employer designee or the uniformed services for whom the applicant practiced as a doula. Alternatively, the applicant may attest to having provided doula services to five clients over the three years immediately prior to the date of the application. At the board's discretion, an applicant may be required to provide date spans and a general description of the doula services provided for each of the five clients.

The applicant must have completed ten hours of education that meets the requirements of Rule 4723-24-04 for doula continuing education.

At least four of those hours must be training directly related to racial bias, health disparities, and cultural competency as required by paragraph (A). The remaining six hours should relate to the doula's practice.

The applicant's education may be demonstrated by attestation to having completed education meeting these requirements. At the discretion of the board, the applicant may be required to show proof of completion of the education. Failure to provide proof of completion shall result in ineligibility to be issued a certificate by the board until proof of completion is provided to the board.

(E) The board may propose to deny certification by endorsement pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code.

(F) If an applicant for certification by endorsement as a doula fails to meet the requirements for certification within one year from the date the application is received, or the application remains incomplete for one year, the application shall be considered void and the fee forfeited. The application shall state the circumstances under which forfeiture may occur.

4723-24-06

**Standards of doula practice.**

- (A) The purpose of this chapter is to establish minimal acceptable standards of practice by doulas holding a certificate issued by the board of nursing pursuant to Chapter 4723. of the Revised Code.
- (B) A doula shall maintain knowledge of the duties, responsibilities, and accountabilities of a doula and shall practice in accordance with the following:
- (1) Laws regulating the provision of care by a doula as set forth in Chapter 4723. of the Revised Code;
  - (2) Rules adopted by the board in accordance with Chapter 119. of the Revised Code; and
  - (3) Any other applicable state or federal laws and rules.
- (C) A doula shall, in a timely manner, document their practice with a client sufficiently to meet the needs of the practice.
- (D) A doula shall maintain the confidentiality of client information obtained in the course of the doula's practice. A doula shall communicate client information to others and shall access client information only for purposes of client services, or to otherwise fulfill the doula's responsibilities, and shall not share client information for purposes other than client services, or to otherwise fulfill the doula's responsibilities, through social media, texting, emailing, or any other form of communication, unless the client has consented to the doula's sharing of client information.
- (E) To the maximum extent feasible, identifiable client information shall not be disclosed by a doula unless the client has consented to the disclosure of the information. A doula shall only report individually identifiable client information without written consent in limited circumstances, and in accordance with an authorized law, rule, or other recognized legal authority.
- (F) A doula shall do all of the following to promote client safety:
- (1) When in a healthcare facility, display the applicable title set forth in section 4723.89 of the Revised Code at all times when providing client services. In addition, when interacting with a health care provider on behalf of the client at any time, through any form of telecommunication, the doula shall identify their certification to the healthcare provider;
  - (2) In a timely manner, completely and accurately document and report all client data sufficiently to meet the needs of the doula's practice;
  - (3) Not falsify any client record or other document prepared in the course of, or in conjunction with, the performance of the doula's practice;

- (4) Implement measures to promote a safe environment for the client including any time that the doula suspects client abuse or neglect;
- (5) Establish, delineate, and maintain professional boundaries with each client;
- (6) Refrain from all behavior that causes or may cause physical, verbal, mental, or emotional abuse or distress to a client, or in behavior that may be reasonably interpreted to cause physical, verbal, mental, or emotional abuse or distress to the client;
- (7) Not misappropriate a client's property, engage in behavior to seek or obtain a client's property or behavior that may reasonably be interpreted as seeking or obtaining, personal gain at the client's expense, or engage in behavior that constitutes, or that may reasonably be interpreted as constituting, inappropriate involvement in a client's personal relationships or financial matters.
- (8) Not engage in sexual conduct or in conduct that may reasonably be interpreted as sexual, or in any verbal behavior that is seductive or sexually demeaning to a client, or in verbal behavior that may reasonably be interpreted as seductive or sexually demeaning to a client;
- (9) Treat each client with courtesy, respect, and with full recognition of dignity and individuality; and
- (10) Provide each client with privacy while engaged in doula practice.

For purposes of paragraphs (F)(5) to (F)(8) of this rule, a client is always considered to be incapable of giving free, full, or informed consent to the actions of a doula.

(G) A doula shall not make any false, misleading, or deceptive statements, or submit or cause to be submitted any false, misleading or deceptive information or documentation to:

- (1) The board or any representative of the board;
- (2) Current employers or clients;
- (3) Prospective employers or clients when applying for positions requiring a doula certificate;
- (4) Facilities in which, or organizations for whom, the doula is working on a temporary or agency assignment;
- (5) A state or private entity from which the doula seeks payment for services;

(6) Members of the client's health care team; or

(7) Law enforcement personnel.

(H) For purposes of paragraphs (F)(5), (F)(6), (F)(7), (F)(8), and (F)(9) of this rule, a doula shall not use social media, texting, emailing, or other forms of telecommunication with, or about, a client, for purposes unrelated to fulfilling the doula's responsibilities and practice as a doula.

(I) Nothing in this rule precludes a client from providing consent to a doula to use the client's likeness and information in social media or other promotional materials.

4723-24-07

**Disciplinary actions against certified doulas; investigations.**

- (A) The board of nursing, by the vote of a quorum, may impose one or more of the following sanctions if it finds that a person committed fraud, misrepresentation, or deception in applying for a doula certificate: deny, revoke, suspend, or place restrictions on a certificate issued by the board; reprimand or otherwise discipline a certificate holder; or impose a fine of not more than five hundred dollars per violation.
- (B) By the vote of a quorum, the board may impose one or more of the following sanctions on an individual who applies for or holds, a doula certificate: deny, revoke, suspend, or place restrictions on a doula certificate, or reprimand or otherwise discipline a holder of a doula certificate. The sanctions may be imposed for any of the following:
- (1) Denial, revocation, suspension, or restriction of authority to engage in a licensed profession or practice a health care occupation, or to practice as a doula, in Ohio or another state or jurisdiction, including but not limited to nursing, practice as a dialysis technician, nurse aide, community health care worker, medication aide, or doula, for any reason other than a failure to renew;
  - (2) Using or assuming the title "certified doula" having failed to renew a doula certificate issued under Chapter 4723. of the Revised Code, or while a doula certificate is under suspension or inactive;
  - (3) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, a misdemeanor committed in the course of practice as a doula;
  - (4) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, any felony or any crime involving gross immorality or moral turpitude;
  - (5) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, violating any municipal, state, county, or federal drug law;
  - (6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in another jurisdiction that would constitute a felony or crime of moral turpitude in Ohio;

- (7) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for a pretrial diversion or similar program or for intervention in lieu of conviction for, an act in the course of practice in another jurisdiction that would constitute a misdemeanor in Ohio;
- (8) Self-administering or otherwise taking into the body any dangerous drug, as defined in section 4729.01 of the Revised Code, in any way not in accordance with a legal, valid prescription issued for that individual, or self-administering or otherwise taking into the body any drug that is a schedule I controlled substance;
- (9) Habitual or excessive use of controlled substances; other habit-forming drugs, or alcohol or other chemical substances to an extent that impairs the individual's ability to comply with the standards of safe practice established in rule 4723-24-06 of the Administrative Code;
- (10) Impairment of the ability to comply with standards of practice established in rule 4723-24-06 of the Administrative Code because of the use of drugs, alcohol, or other chemical substances;
- (11) Impairment of the ability to comply with standards of practice established in rule 4723-24-06 of the Administrative Code because of a physical or mental disability;
- (12) Assaulting or causing harm to a client or depriving a client of the means to summon assistance;
- (13) Misappropriation or attempted misappropriation of money or anything of value in the course of practice as a doula;
- (14) Adjudication by a probate court of being mentally ill or mentally incompetent. The board may restore the person's doula certificate upon adjudication by a probate court of the person's restoration to competency or upon submission to the board of other proof of competency;
- (15) The suspension or termination of employment by the department of defense or the veterans administration of the United States for any act that violates or would violate this chapter;
- (16) Violation of Chapter 4723. of the Revised Code or any rules adopted under it;
- (17) Violation of any restrictions placed on a doula certificate by the board;
- (18) Failure to use standard and universal precautions including those set forth in Chapter 4723-20 of the Administrative Code, as applicable to the doula's

practice:

(19) Engaging in activities that exceed those permitted under section 4723.89 of the Revised Code or this chapter;

(20) Failure by a certified doula to conform to the standards of practice established in rule 4723-24-06 of the Administrative Code;

(21) Regardless of whether the contact or verbal behavior is consensual, engaging with a client other than the spouse of the doula in any of the following:

(a) Sexual contact, as defined in section 2907.01 of the Revised Code; or

(b) Verbal behavior that is sexually demeaning to the client or may be reasonably interpreted by the client as sexually demeaning.

(22) Assisting suicide as defined in section 3795.01 of the Revised Code.

(C) The hearings of the board shall be conducted in accordance with Chapter 119. of the Revised Code and Chapter 4723-16 of the Administrative Code. The board may appoint a hearing examiner, as provided in section 119.09 of the Revised Code, to conduct any hearing the board is authorized to hold under Chapter 119. of the Revised Code.

(D) In any instance in which the board is required under Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the applicant or certificate holder does not make a timely request for a hearing in accordance with section 119.07 of the Revised Code:

(1) The board is not required to hold a hearing, but may adopt, by vote of quorum, a final order that contains the board's findings; and

(2) In the final order, the board may order any of the sanctions listed in paragraph (A) or (B) of this rule.

(E) If a criminal action is brought against a doula for an act or crime described in paragraphs (B)(3) to (B)(7) of this rule and the action is dismissed by the trial court other than on the merits:

(1) The board shall conduct an adjudication to determine whether the certified doula committed the act upon which the action was based.

(2) If the board determines on the basis of the adjudication that the certified doula committed the act, or if the certified doula fails to participate in the adjudication, the board may take action as though the certified doula had been convicted of the act.



(F) If the board takes action on the basis of a conviction, plea, or a judicial finding as described in paragraphs (B)(3) to (B)(7) of this rule that is overturned on appeal, the certified doula may, on exhaustion of the appeal process, petition the board for reconsideration of its action.

(1) On receipt of the petition and supporting court documents, the board shall temporarily rescind its action.

(2) If the board determines that the decision on appeal was a decision on the merits, it shall permanently rescind its action.

(3) If the board determines that the decision on appeal was not a decision on the merits, it shall conduct an adjudication to determine whether the certified doula committed the act on which the original conviction, plea, or judicial finding was based.

(a) If the board determines on the basis of the adjudication that the certified doula committed such act, or if the certified doula does not request an adjudication, the board shall reinstate its action.

(b) If the board determines that the certified doula did not commit such act, the board shall permanently rescind its action.

(G) The board may investigate an individual's criminal background in performing its duties under this rule and sections 4723.89 to 4723.90 of the Revised Code. As part of such investigation, the board may order the individual to submit, at the individual's expense, a request to the bureau of criminal identification and investigation for a criminal records check and check of federal bureau of investigation records in accordance with the procedure described in section 4723.091 of the Revised Code.

(H) During the course of an investigation the board may compel any certified doula, or applicant under section 4723.89 of the Revised Code, to submit to a mental or physical examination, or both, as required by the board and at the expense of the individual, if the board finds reason to believe that the individual under investigation may have a physical or mental impairment that may affect the individual's ability to perform doula services. Failure of any individual to submit to a mental or physical examination when directed constitutes an admission of the allegations, unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence.

(I) If the board finds that an individual is impaired in accordance with paragraph (H) of this rule, the board shall require the individual to submit to care, counseling, or treatment approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certified doula certificate.

- (1) The individual shall be afforded an opportunity to demonstrate to the board that the individual can begin or resume the performance of practice as a doula in accordance with standards established under rule 4723-24-06 of the Administrative Code.
- (2) For purposes of this paragraph, any certified doula or applicant under this rule shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board, and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.
- (J) The provisions of division (I) of section 4723.28 of the Revised Code apply to information, investigations and adjudications involving certified doulas or applicants under sections 4723.89 to 4723.90 of the Revised Code and this chapter.
- (K) The provisions of section 4723.29 of the Revised Code apply with respect to any matter that the board has authority to investigate, inquire into, or hear under sections 4723.89 to 4723.90 of the Revised Code and this chapter.
- (L) When the board refuses to grant a doula certificate to an applicant, revokes a certificate, or refuses to reinstate a certificate, the board may specify that its action is permanent. An individual subject to permanent action taken by the board is forever ineligible to hold a doula certificate and the board shall not accept from the individual an application for reinstatement of the certificate or for a new certificate.
- (M) No unilateral surrender of a doula certificate issued under Chapter 4723. of the Revised Code shall be effective unless accepted by majority vote of the board. No application for a doula certificate issued under Chapter 4723. of the Revised Code may be withdrawn without a majority vote of the board. The board's jurisdiction to take disciplinary action is not removed or limited when an individual has a certificate classified as inactive or fails to renew a certificate.