



## Nevada Certification Board (NCB) Certified Birth Doula Code of Ethical Conduct

### Preamble

As an affiliate member board of the International Certification and Reciprocity Consortium (IC&RC), the Nevada Certification Board (hereinafter NCB) ensures the public's safety, enhances public funds accountability, and provides practitioner benefits, by applying rigorous standards for the professional certification and continuing education of community and behavioral health workers.

Birth doula services improve outcomes for birthing parents and infants. Birth doulas offer support, guidance, evidence-based education, practical support during childbirth, and linkages to community-based resources. Birth doula services include personal, non-medical support to birthing families throughout an individual's pregnancy, childbirth, and postpartum experience. This includes emotional and physical support, provided during pregnancy, labor, birth and the postpartum period.

### **1. Inclusivity**

- 1.1. Inclusion Statement: NCB recognizes that people come from many cultural, religious and ethnic backgrounds and we believe that our differences help make us stronger. NCB certified birth doulas are held to a high standard for inclusivity and nondiscrimination, striving to meet the highest standards for birth doula care for clients from all walks of life.
- 1.2. Declaration of Support for Differences: NCB recognizes and respects all people, regardless of race, religion, gender identification, sexual orientation and political beliefs. All birthing persons deserve the utmost of respect and autonomy in regard to birthing choices.

### **2. Privacy Statement**

- 2.1. All birth doulas must read and sign a social media policy, written below, to maintain certification with NCB.

- 2.2. While HIPAA does not apply to birth doulas, NCB expects each birth doula to maintain a high level of privacy when discussing any and all details of a relationship or experience with a client, not limited to descriptions of the birth, private information in regards to lifestyle and any other information considered privileged. The Division of Health Care Financing and Policy (hereinafter, Nevada Medicaid) maintains information on safeguarding information in compliance with HIPAA regulations within [Medicaid Services Manual \(MSM\) Chapter 100 - Medicaid Program](#) which must be followed by all enrolled Nevada Medicaid providers.
- 2.3. While birth doulas are not considered a mandated reporter in the state of Nevada, it is understood that all NCB birth doulas will strive to protect all members of the family and will do our due diligence to offer resources and report crimes of abuse and neglect to the proper authorities. However, birth doulas receiving Medicaid reimbursement for services rendered are considered mandated reporters for the State of Nevada.

### **3. Code of Conduct**

- 3.1. No birth doula is required to accept individual clients, and each birth doula has the right to decline a client.
- 3.2. Expectations for Education
  - 3.2.1. NCB certified birth doulas and applicants may select any NCB approved birth doula training to complete certification and renewal requirements. (See the NCB website for a current list of approved foundational birth doula training.)
  - 3.2.2. NCB certified birth doulas are required to maintain NCB approved continuing education to maintain their certification.
- 3.3. Expectations of Conduct
  - 3.3.1. Birth doulas are to conduct themselves with professionalism according to the original purpose of a birth doula, as defined by DONA International, “[A doula is] a trained professional who provides continuous physical, emotional and informational support to a [birthing person] before, during and shortly after childbirth to help them achieve the healthiest, most satisfying experience possible.”
  - 3.3.2. Birth doulas are to follow all hospital policies as written.
  - 3.3.3. NCB acknowledges that birth doulas are not medical professionals and do not carry medical training in regard to labor and delivery. No birth doula is to perform medical tasks, such as assessing dilation, taking blood pressure, using a doppler to assess fetal heart rate and/or speaking directly with medical professionals in regard to care plans. For this reason, all clients are required to have a hired medical professional and/or the intention of birthing at a hospital with the on-call obstetrician in order to be accepted as a client. Additionally, in the case of a quick labor, it is vital that the birth doula in attendance make every effort to have the birth attended by a medical professional including emergency personnel.

#### **4. Certification Requirements**

4.1. In order to acquire and maintain certification, it is the responsibility of each birth doula to:

- 4.1.1. Meet the minimum education and experience requirements of NCB birth doula certification,
- 4.1.2. Submit of a Release of Liability statement for each client,
- 4.1.3. Sign and submit agreement to this document, as well as the social media policy,
- 4.1.4. Maintain good standing with NCB by adhering to the code of conduct and completing continuing education and renewal requirements on time

4.2. Expectations of Service:

- 4.2.1. All birth doulas are expected to fulfill each of these duties to clients:
- 4.2.2. Schedule and attend a minimum of one prenatal visit
- 4.2.3. Be available and “on call” two weeks before the estimated due date, to last until the baby is born
- 4.2.4. Maintain contact with client through early labor
- 4.2.5. Schedule and attend a minimum of one postpartum visit
- 4.2.6. Obtain an agreement with a backup birth doula for each client. If the birth doula is enrolled with Nevada Medicaid as a provider type (PT 90) and is seeking reimbursement for birth doula services. The backup birth doula must also be a Nevada Medicaid enrolled PT 90 – birth doula services provider.

#### **5. Social Media Policy**

5.1. To maintain the privacy of our clients, birth doulas must request permission before posting the following:

- 5.1.1. Personal details of a client, not limited to: due dates, details of the pregnancy, announcements of birth or retainment of services (where it can be connected back to the client).
- 5.1.2. All photographs taken in a client’s home, of the client or members of the client’s family.
- 5.1.3. Written birth stories from the birth doula’s perspective.
- 5.1.4. Details of a birth in regards to hospital or staff’s behavior in a way where it could be connected back to the client.

5.2. When considering whether or not to post without permission, you may want to ask yourself “if the client saw this, would they know I was talking about them, and would they be ok with it?”

5.3. Personal discretion is recommended, and we suggest asking permission from the client to post whenever there is a question of appropriateness.

Nevada Certification Board (NCB)  
Procedure for Addressing Potential Ethical Violations  
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### Possible Sanctions for Violation of the Code of Ethical Conduct

Possible sanctions for violation of the Code of Ethical Conduct include but are not limited to:

- denial of an application for certification;
- written caution;
- suspension of a credential;
- revocation of a credential.

Based on the nature of an ethics complaint and at the discretion of the NCB Ethics Committee, disciplinary action imposed against a certified professional will affect all NCB credentials the certified professional holds.

Revocation of certification shall be construed as lasting a lifetime without the possibility of reinstatement.

NCB may impose educational, supervisory, training, and treatment requirements in conjunction with any of the above disciplinary actions.

Past disciplinary actions taken against a certified professional may be considered in setting sanctions. Two or more written cautions or reprimands issued against a certified professional in a two-year period shall result in a suspension or a revocation of the credential.

Disciplinary actions and suspended or revoked credentials may be reflected in the public registry on the NCB website along with expired credentials.

NCB reserves the right to disclose information relative to disciplinary actions to other pertinent organizations such as but not limited to the Nevada State Division of Public and Behavioral Health, the State of Nevada Division of Welfare and Supportive Services, the State of Nevada Division of Health Care Financing and Policy, the Nevada Secretary of State, and other appropriate certifying bodies.

Sealed records will only be opened with a court order.

### Complaints

Persons wishing to file a complaint against a certified professional or against a person under NCB jurisdiction seeking certification may do so by detailing their complaint, in writing, to the NCB. Verbal complaints and anonymous action complaints will not be considered for investigation with the exception of publicly available information, such as

but not limited to newspaper articles, court records, or information on web sites that is made available to or secured by NCB.

All complaints must contain the complainant's full name, address, and a phone number where the complainant can be contacted. The complainant must sign and date the complaint document.

It is expected that claimants and respondents adhere to all relevant rules and regulations regarding confidentiality and protected health information, such as the Health Insurance Portability and Accountability Act (HIPAA) in all correspondence.

In order for ethical complaints to be considered by NCB, all complaints must be filed within four (4) years from the date the offense occurs.

Complaints shall be submitted via the NCB website (<https://nevadacertboard.org/>) under "Potential Ethics Violation" with all of the information outlined above.

## Investigation Process

The Executive Committee of the NCB Board of Directors (hereinafter the Committee) shall conduct an initial review of all complaints filed with the NCB and shall initiate and direct an investigation, to the extent the Committee deems sufficient, of all instances of possible professional misconduct by a certified professional. In supervising investigations, the Committee may use investigators where deemed appropriate. The Committee may designate a minimum of two impartial investigators from the NCB Board of Directors and Ethics Committee or hire an independent investigator if deemed necessary. Except as otherwise provided herein, all NCB investigatory information remains confidential.

If during the course of the investigation it appears that criminal behavior may have occurred, the Committee may report the alleged criminal behavior to the appropriate authority.

If a complaint has been filed, the Committee may, at their discretion, proceed with an investigation even if the complainant subsequently requests that the complaint be withdrawn.

If cases where, upon initial review, the Committee deems that no violation has occurred and that no further investigation is warranted, this conclusion shall be reported to the Board of Directors for their review within ten (10) working days of the completion of the investigation. The Board of Directors shall either return the matter to the Committee for investigation or affirm the Committee's decision. If there is no further investigation, the Committee shall send a notice to the complainant, informing him or her that the complaint is dismissed.

The Committee shall, at the outset of the investigation, send the respondent a copy of the

complaint through certified, first-class mail, thereby notifying said respondent of the name of the complainant(s) and the alleged violation(s) pertaining to this NCB Code of Ethical Conduct. The Committee shall call upon the respondent to submit a typed response within 30 days from the date of the notice. The Committee may allow a respondent additional time if such is requested.

During the investigation, the respondent shall disclose all facts and circumstances pertaining to the alleged misconduct, as well as the respondent's interpretation of the situation or conduct which is the subject of the investigation. Misrepresentation by a respondent, failure to provide information, or failure to cooperate with the investigation shall be independent grounds for disciplinary action.

In cases in which an investigation has been conducted, the Committee shall, no sooner than 30 days after mailing of the request for response to the respondent, submit an investigation summary report to the Board of Directors inclusive of the following:

- any and all written materials associated with the investigation;
- a summary of any further communications with either the complainant or the respondent;
- an outline of alleged code violation(s), if any; and
- a recommendation for dismissal, sanction or sanctions to be imposed, or a recommendation for an ethics hearing.

At the conclusion of the review of the evidence provided in the case, the Board of Directors will make their final decision by majority vote for dismissal, imposition of a sanction, or to convene a hearing.

In those cases wherein the findings support a decision by the Board of Directors to impose a sanction or sanctions upon the respondent, NCB will forward to the respondent a written document summarizing the rule(s) violated, the findings of fact, and the disciplinary action being taken. The respondent will sign the document indicating a voluntary acceptance of the sanction and return the document to the NCB within ten (10) business days of receipt.

## Hearing Process

A hearing may be held at any point in the investigatory or decision-making process at the discretion of the Board of Directors. The hearing is typically undertaken in those cases wherein there is sufficient evidence for the allegation of an ethics code violation but there remain undetermined details of the case that the committee believes might be resolved through the hearing process. A hearing may also be requested by a respondent after exhausting the appeal process (see Appeal Process). Should a respondent request a hearing in response to the decision of the Appeal Committee, a one-time hearing fee of \$250.00 will be charged to the respondent. This fee must be received by the NCB before

the hearing process is initiated. In either event, a notice of hearing shall advise the respondent and the complainant of the following:

- The date, time, and the location of the hearing;
- Both the respondent and the complainant may be represented by counsel at the hearing at their own expense;
- Both parties to the complaint may present and rebut evidence and present and cross-examine witnesses.

The Hearing Panel shall not be bound by common law or statutory rules of evidence, and the Hearing Panel may consider all evidence having reasonable probative value, but a decision to impose discipline may not be based solely on a declarant's oral hearsay statement unless it would be admissible under common law or statutory rules of evidence.

The Hearing Panel will base its decision as to whether a violation of the Code of Ethical Conduct has occurred solely upon the evidence presented at the hearing and gathered during the investigatory process.

At the respondent's own expense, the respondent may have a registered court reporter present to transcribe the proceedings, provided that the NCB is notified of such election at least five (5) days prior to the hearing and is supplied with a copy of the transcript at no cost.

No discovery shall be permitted, and no access to NCB files shall be allowed to the respondent, the complainant, or their representatives.

Except in the most emergent of circumstances, no postponement requested less than 48 hours prior to a scheduled hearing will be considered.

There shall be no contact prior to the hearing between the complainant and the respondent, nor shall the complainant or the respondent be in contact with any NCB member for the purpose of discussing in any way the complaint or influencing the decision of the Hearing Panel.

The hearing shall be presided over by a Hearing Officer, and the Officer shall resolve objections concerning evidence.

The hearing shall be closed to the public.

Failure of either the complainant or the respondent to attend the hearing shall be deemed a waiver of their right to a hearing. In such cases, the hearing may proceed with disciplinary action being taken or be dismissed as determined by NCB. The Hearing Panel shall make a decision based on the evidence presented through the investigatory process.

Within 30 days after the completion of the hearing, the Hearing Panel (comprised of the

NCB Board of Directors) shall prepare a written decision containing Findings of Fact and a Conclusion as to whether any of the ethical principles or rules of the Code of Ethical Conduct have been breached. If the Hearing Panel determines that the respondent did breach the Code of Ethical Conduct, the panel shall impose a disciplinary sanction, which shall be specified in the panel's decision. The Hearing Panel shall mail a copy of the decision to the respondent and the complainant by certified first-class mail. The decision of the Hearing Panel shall be deemed that of the NCB, shall be effective upon issuance or at such date as the Hearing Panel shall specify, and shall be final, without further action by the NCB.

### Action by the Board of Directors

Within 30 days of a hearing or a recommendation for dismissal from the investigators and the Executive Committee, the Board of Directors shall issue a decision concerning the complaint, based on the materials provided by the investigation or gleaned from the hearing.

The decision shall include Findings of Fact, a Conclusion as to which Rules of Conduct, if any, have been violated, and any sanction to be imposed. The decision shall recite the nature of the complaint, the investigation conducted, and the respondent's rebuttal to the complaint. Within seven(7) days after the issuance of the Hearing Panel's decision, the Committee shall mail a copy to the respondent, by certified, first-class mail, together with a notice of the right to appeal any Hearing Panel's decision which calls for disciplinary action.

If a request for an appeal is timely filed, any disciplinary action imposed by the Hearing Panel shall be stayed pending the decision of the Appeal Committee. However, in the event that a request for appeal is not filed within the time period prescribed hereafter, the decision of the Hearing Panel shall be final, and any disciplinary action imposed shall take effect upon passage of the prescribed time period. When any disciplinary action takes effect, the Committee shall notify the complainant of the results of the disciplinary process.

### Appeal Process

If disciplinary action is taken, the respondent may appeal the decision by submitting a request for an appeal to the NCB. Request for an appeal must state reason for the appeal. Such requests shall be mailed to the NCB by certified mail and postmarked no later than 30 days after receipt of the decision. Appeal requests should be addressed to:

Board of Directors - NCB  
Attn. NCB Administrator  
P.O. Box 13122  
Reno, NV 89507



If a timely request for an appeal is submitted to the NCB, the Board shall appoint a three-person Appeal Committee from among the NCB standing committees. No member of the Appeal Committee shall be a member of the Board of Directors, nor shall anyone be appointed to the Appeal Committee who has a potential conflict of interest with either the complainant or the respondent. All potential conflicts of interest will be discussed prior to the appointment. Within 30 days after the NCB receives a request for an appeal, a review into the facts contained in the decision of the Hearing Panel shall be scheduled. The review shall be scheduled no less than 31 days or more than 45 days from the date of receipt of the request.

Such review shall be limited to the issues and charges contained in the decision of the Hearing Panel previously served on the respondent and procedural issues relevant to the case. Within 30 days of the decision by the Appeal Committee, respondent will be notified in writing of said decision. The decision of the Appeal Committee will be considered final.

### Procedures and Reinstatement Following Disciplinary Action

If a respondent's NCB credential has been suspended or revoked and the respondent does not appeal the Hearing Panel's decision, or if the Appeal Committee upholds the respondent's suspension or revocation, the respondent shall return his or her credential certificate to the NCB Office no later than 21 days after the suspension or revocation takes effect. The NCB credential certificate remains the property of NCB.

NCB credential reinstatement following a suspension: Upon expiration of the suspension period, the Board of Directors shall authorize reinstatement of the professional for the balance of his/her certification period, unless:

- Another suspension or revocation of the respondent's certification has occurred; or
- the respondent has committed another violation of the Code of Ethical Conduct; or
- the respondent has failed to remit the recertification fees or make an application for recertification in a timely manner, according to the respondent's recertification date; or
- The respondent has failed to comply fully with the terms of his or her suspension.

Revocation shall be construed as lasting a lifetime without the possibility for reinstatement.