



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-191.1

Summary

Implementing Senate Bill 319 pertaining to doula licensure and implementing House Bill 246 pertaining to substantial equivalency

Hearing Date and Time

Wednesday, November 5, 2025, at 1:00 p.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/82022414742>

Meeting ID: 820 2241 4742; Password: 5101560500

Dial by Telephone: +1 646 558 8656

Meeting ID: 820 2241 4742; Password: 5101560500

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, November 7, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Wednesday, October 29, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Montana Legislature enacted Senate Bill (SB) 319, an act requiring licensure of doulas and establishing doula licensure requirements and scope of practice. The bill was signed by the Governor on May 12, 2025, and becomes effective on January 1, 2026. The department is adopting NEW RULES 1 through 7 to implement the legislation by proposing definitions, setting applicant qualifications, requirements for educational programs, licensure and renewal fees, supervision requirements, and establishing unprofessional conduct standards for doulas.

House Bill (HB) 246 (2025) requires the department to establish substantial equivalency standards for licensing programs. The department is adopting NEW RULE 4 to set the substantial equivalency standards and provide notice to doulas and the public of what jurisdictions are considered substantially equivalent.

More specific reasonable necessity statements follow each new proposed rule.

Rulemaking Actions

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 DEFINITIONS

- (1) “Emotional support” means offering reassurance, encouragement, and a calming presence to reduce stress and anxiety for the client, and includes support for developing perinatal plans.

- (2) “Informational support” means providing reliable, unbiased information about pregnancy, labor, birth, lactation, infant care, emotional and physical recovery from childbirth, and related postpartum issues that promote a client’s informed decision-making.
- (3) “Perinatal” means the period of time inclusive of antepartum, intrapartum, and postpartum as defined in [SB 319, Section 1 (2025)].
- (4) “Perinatal experience” means any doula-provided support, service, or visit that occurs during the perinatal period.
- (5) “Physical support” includes comfort techniques such as hands-on comfort measures, positioning, breathing exercises, and assistance with mobility, hydration, and basic comfort needs during pregnancy, labor, birth, and postpartum periods.

Authorizing statute(s): SB 319, section 4 (2025)

Implementing statute(s): SB 319, section 2 (2025)

Reasonable Necessity Statement

The department is adopting definitions after the passage of SB 319. SB 319 included “physical,” “emotional,” and “informational” types of support, and the department is further defining what those terms mean within the practice of doulaing. The department is further defining “perinatal” for ease of describing the periods of time a doula may provide services to clients, and “perinatal experience” to indicate a limited license doula must be actively providing services, rather than just observing.

The department engaged with stakeholders and looked at scopes of practice from other jurisdictions in defining these terms.

NEW RULE 2 FEE SCHEDULE

- (1) A doula must renew annually as set forth in ARM 24.101.413.
- (2) All fees are nonrefundable.
- (3) The standardized fees specified in ARM 24.101.403 apply, unless specified differently in (4).
- (4) The following fees will be charged:
 - (a) Application for initial license - \$180.

- (b) License renewal - \$175.

Authorizing statute(s): SB 319, section 4

Implementing statute(s): SB 319, section 2

Reasonable Necessity Statement

The department is adopting this new rule to set licensure fees and further implement SB 319. The department is required to set fees related to the program area that provide the amount of money needed for the operation of the program's services per 37-1-134, MCA. The legislation requires the department to license and regulate doulas and the proposed fees will enable the department to meet this mandate. The department continuously monitors the budgets and spending of all licensure boards and programs, and will adjust this program's licensure fees through future rulemaking as needed. The department estimates that the proposed doula fees will affect approximately 200 applicants and renewing licensees for an annual revenue of \$36,000.

NEW RULE 3 LICENSE APPLICATION REQUIREMENTS

- (1) An applicant for doula licensure must submit the following to the department as part of the application process:
 - (a) a completed application as provided by the department;
 - (b) current CPR certification;
 - (c) any fees required in [NEW RULE 2];
 - (d) verification from all states in which the applicant holds or has held a doula license or certificate; and
 - (e) verification of either:
 - (i) successful completion of 40 hours of supervised training with a licensed doula that includes at least two unique perinatal experiences; or
 - (ii) successful completion of at least 20 hours of doula training, provided by one or more entities approved by the department.
- (2) For applicants who practiced as a doula for at least two years prior to January 1, 2026, the applicant must submit:
 - (a) a completed application as provided by the department; and

- (b) a list of up to ten clients served within two years prior to January 1, 2026, identified by initials and including date range served. Doulas must have served a minimum of five clients to qualify under this part.
- (3) An applicant currently licensed to practice as a doula in another jurisdiction may be licensed by endorsement. An applicant shall submit proof of active licensure in good standing from another jurisdiction, if that jurisdiction has substantially equivalent standards to Montana.
- (4) An applicant seeking a limited license to complete supervised training must submit proof the applicant will be supervised in doula activities by a licensed doula who has been practicing for at least five years with no legal or disciplinary action taken against the doula.

Authorizing statute(s): SB 319, section 4

Implementing statute(s): SB 319, section 2

Reasonable Necessity Statement

The department is proposing an application rule for doulas. The department is proposing its standard application process, and establishing the qualifications for new doulas, doulas who have been practicing prior to the passage of SB 319 requiring licensure, doulas licensed in other jurisdictions, and also the requirements for doulas with limited licenses requiring supervision. In developing these rules, the department consulted with stakeholders, as well as reviewed licensing requirements from other jurisdictions.

The department is proposing two paths to licensure for new doulas, a standard training period of 20 hours of education for each applicant, or 40 hours of on-the-job training, based on consultation with stakeholders and feedback from practicing doulas in Montana. For doulas who have been already practicing, the department will require an attestation by the doula of clients served. The department determined requiring doulas already in practice to receive more education and undergo supervision would be a barrier to licensure.

Doulas may also be licensed by endorsement if coming from a jurisdiction with substantially equivalent requirements to Montana.

NEW RULE 4 SUBSTANTIAL EQUIVALENCY

- (1) The department adopts and incorporates by reference the 2025 substantial equivalency list for doula publication. The publication is available on the department's website.
- (2) The department intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. House Bill 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the department is proposing to adopt NEW RULE 4. The department has compared current licensure standards of the fifty United States for doula licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the department's initial approved list of states having substantially equivalent licensing standards. The list will be published on the department website. The department will analyze other states' licensing standards annually, and update the published list as needed.

NEW RULE 5 SUPERVISION OF LIMITED LICENSE DOULAS

- (1) A licensed doula may supervise up to five limited license doulas.

- (2) The supervising doula must be readily available when the limited license doula is providing services to a client.
- (3) A supervising doula must provide mentoring and reflective learning opportunities to limited license doulas.
- (4) The supervising doula and the limited license doulas must keep a record of time and activities spent supervising the limited-license doula which must be made available to the department upon request. These records must be retained for seven years after the supervision ends.

Authorizing statute(s): SB 319, section 4

Implementing statute(s): SB 319, section 2

Reasonable Necessity Statement

The department is proposing this rule to set expectations for the supervision and training of limited license doulas. To protect public safety and ensure adequate supervision, the department proposes limiting each licensed doula to supervising no more than five limited license doulas, and require the supervisor to be readily available to the limited license doula using some method of synchronous communication. The department is not requiring a specific type of availability as limited license doulas and supervisors should choose whichever method of communication best suits the situation.

The department is outlining the expectations of supervisors as department staff regularly receives questions from other supervisory license types about what constitutes supervision. Here, the expectation is that the supervising doula will provide knowledge and mentoring, and engage the limited license doulas in the conscious, critical examination of services provided to gain deeper understanding, improve performance, and promote personal and professional growth of the limited license doula.

The department is also proposing recordkeeping requirements so it may audit or investigate in the case of a complaint.

NEW RULE 6 TRAINING PROGRAMS

- (1) If applying under [NEW RULE 3(1)(e)(ii)], applicants must demonstrate at least 20 hours of training in any of the following areas:
 - (a) perinatal support and education;
 - (b) labor and birth education;

- (c) lactation and feeding support;
 - (d) anatomy;
 - (e) advocacy and communication;
 - (f) ethics;
 - (g) perinatal mental health;
 - (h) grief and loss support;
 - (i) trauma-informed care;
 - (j) cultural safety.
- (2) Applicants may take one training program or combine training programs to meet the 20-hour requirement.
- (3) Applicants must submit certificates of completion for each program completed.

Authorizing statute(s): SB 319, section 2

Implementing statute(s): SB 319, section 2

Reasonable Necessity Statement

The department is proposing ten topics in which doula applicants receiving education, rather than on-the-job supervision, must receive training. The department will approve providers and programs, so an applicant may choose which method of education works best. All applicants under this rule must demonstrate 20 hours of education, whether in one specific course or by taking several courses which cover the required areas.

In choosing the areas of instruction, the department worked with practicing doulas across Montana, as well as considered requirements from other states.

NEW RULE 7 UNPROFESSIONAL CONDUCT

- (1) In addition to 37-1-410, MCA, the following is unprofessional conduct for doulas:
- (a) abandoning a client without prior notice to the client;
 - (b) failing to support communication between the client and the client's health care team;
 - (c) failing to refer a client for clinical care when necessary;

- (d) failing to provide trauma-informed, culturally safe, or client-centered care;
- (e) failing to recognize a client’s background, identity, or experience;
- (f) failing to connect clients to appropriate community-based resources for medical, educational, financial, or psychosocial supports; or
- (g) failing to maintain records of services provided.

Authorizing statute(s): SB 319, section 4

Implementing statute(s): SB 319, section 2

Reasonable Necessity Statement

See the General Statement of Reasonable Necessity. The department is proposing these standards for unprofessional conduct after review and discussion with stakeholders about the scope of practice and expectations for practicing doulas.

The department is proposing recordkeeping requirements to ensure the availability of records in the event of a complaint against a doula. The department is not proposing exact requirements for records, but expects a minimum record of clients served, dates, and services provided.

Small Business Impact

The department identifies that doulas in private practice, birthing centers, and individual practitioners are the groups of small businesses most likely to be affected by these rules. As doulas were not required to pay licensing or renewal fees prior to the passage of SB 319, there is a new cost per license. The department expects between 100 and 200 doula applicants in the first year, and expects that number to continue to rise. The total cost for the first year will be between \$20,000 and \$40,000 to new licensees.

Although there is a new fee impact to individuals wishing to become licensed, there is not another less burdensome method of accomplishing implementation of the legislation. The department is required to collect fees to administer the program, and has set the fees at the level necessary to achieve that. Due to it being a new license type, the rulemaking costs and programming cost to administer the license are higher in the first year and the department is expecting those costs to fall after the initial startup of the license. The department will adjust fees accordingly.

Bill Sponsor Notification

The bill sponsor contact requirements apply and have been fulfilled. The primary bill sponsor was contacted on May 15, 2025, by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner