

HCS HB 36 -- MIDWIVES (Davis)

COMMITTEE OF ORIGIN: Children and Families

This substitute specifies that nothing may prohibit a woman from giving birth in the setting and with the caregiver of her choice. A caregiver includes a person who provides midwifery services; however, this service is not the practice of medicine, nursing, or nurse-midwifery. These caregivers may not be subject to prosecution under state law if they exercise a reasonable degree of care. Any physician, certified nurse-midwife, or hospital providing emergency care to a woman or infant is not liable for civil damages unless the act was the result of gross negligence or willful misconduct.

Every midwife is required to provide a written disclosure statement informing all clients and potential clients of his or her education and training, years of experience, number of deliveries as a midwife, possible risks, and a contingency plan in the event of an emergency.

FISCAL NOTE: No impact on state funds in FY 2006, FY 2007, and FY 2008.