

HB 2284 -- Midwifery

Sponsor: Talboy

This bill changes the laws regarding midwifery. In its main provisions, the bill:

- (1) Repeals the provision which specifies that anyone who engages in the practice of midwifery other than a licensed physician will be guilty of the unlawful practice of medicine;
- (2) Establishes the Advisory Committee for Certified Professional Midwives under the State Board of Registration for the Healing Arts within the Department of Insurance, Financial Institutions and Professional Registration. Committee members must be appointed by the Governor with the advice and consent of the Senate no later than December 31, 2010. The powers, duties, terms, and membership of the committee are specified in the bill;
- (3) Prohibits a person from holding himself or herself out as a midwife or certified professional midwife unless he or she is licensed by the board;
- (4) Requires an applicant to provide evidence of current certification as a certified professional midwife by the North American Registry of Midwives and current certification in adult and neonatal cardiopulmonary resuscitation, present documentation of practical experience through an apprenticeship or other supervisory setting, pay a licensure fee, and meet other requirements established by the board;
- (5) Authorizes the board to refuse to issue or renew, suspend, limit, restrict, or revoke a license; investigate complaints; issue subpoenas; file petitions with the court; and cause complaints to be file with the Administrative Hearing Commission;
- (6) Authorizes the board to establish fees to produce revenue sufficient to cover the costs of the administration of the provisions of the bill. Funds collected will be deposited to the credit of the Board of Registration for the Healing Arts Fund;
- (7) Requires a licensee to accumulate 30 hours of continuing education every two years in order to be eligible for license renewal;
- (8) Requires a licensed midwife to furnish satisfactory evidence of a malpractice insurance policy of at least \$500,000;
- (9) Requires a licensed midwife to present each client with an informed consent document which must be signed and dated by the

client and kept by the midwife in the client's permanent records;

(10) Exempts certain emergency medical providers from civil liability when treating a woman or infant during childbirth as a consequence of care received from a licensed midwife unless the act or omission was the result of gross negligence or willful misconduct;

(11) Requires a licensed midwife to only practice under a written collaborative agreement with a licensed physician who has obstetrical privileges at a nearby hospital. The collaborating physician must be available for consultation with the midwife at all times. A physician cannot enter into a collaborative agreement with more than three licensed midwives at any given time, and licensed midwives must have a written emergency transport arrangement with the nearest hospital capable of handling obstetrical emergencies for every client;

(12) Specifies certain acts which licensed midwives are prohibited from performing;

(13) Requires a licensed midwife to keep a record of each client for a minimum of seven years after the delivery and submit a client summary report for each client to the department on a biannual basis;

(14) Requires every licensed midwife who has entered into an agreement with a client to file a notice of intent to home deliver with the Department of Health and Senior Services within 10 days of entering into the agreement; and

(15) Requires the Department of Health and Senior Services to maintain a permanent database of all home deliveries done under the care of a licensed midwife which must be made available to the public.

Anyone who violates the provisions of the bill will be guilty of a class A misdemeanor.