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HUMAN RESOURCES

WITHDRAWN

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(P. 385)

HOUSE FILE 2365
BY DODERER and MURPHY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the licensing of certified professional
2 midwives, establishing the board of professional midwife
3 examiners, prohibiting the use of the title certified
4 professional midwife without a license, and making a penalty
5 applicable.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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WITHDRAWN

HF 2365

1 Section 1. Section 147.1, subsections 3 and 6, Code 1997,
2 are amended to read as follows:

3 3. "Licensed" or "certified" when applied to a physician
4 and surgeon, podiatric physician, osteopath, osteopathic
5 physician and surgeon, physician assistant, psychologist or
6 associate psychologist, chiropractor, nurse, dentist, dental
7 hygienist, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, occupational therapist,
9 respiratory care practitioner, practitioner of cosmetology
10 arts and sciences, practitioner of barbering, funeral
11 director, dietitian, marital and family therapist, mental
12 health counselor, ~~or~~ social worker, or certified professional
13 midwife, means a person licensed under this subtitle,
14 excluding chapters 152C and 152D.

15 6. "Profession" means medicine and surgery, podiatry,
16 osteopathy, osteopathic medicine and surgery, practice as a
17 physician assistant, psychology, chiropractic, nursing,
18 dentistry, dental hygiene, optometry, speech pathology,
19 audiology, pharmacy, physical therapy, occupational therapy,
20 respiratory care, cosmetology arts and sciences, barbering,
21 mortuary science, marital and family therapy, mental health
22 counseling, social work, ~~or~~ dietetics, or certified
23 professional midwifery.

24 Sec. 2. Section 147.13, Code 1997, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 19. For certified professional midwifery,
27 certified professional midwife examiners.

28 Sec. 3. Section 147.14, Code 1997, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 17. For certified professional midwife
31 examiners, three members licensed as certified professional
32 midwives, one member who is a licensed physician practicing in
33 obstetrics or a licensed obstetrical nurse, and one member who
34 is not a licensed certified professional midwife or a licensed
35 physician or nurse who has received professional midwifery

1 services and who shall represent the general public.

2 Sec. 4. Section 147.74, Code 1997, is amended by adding
3 the following new subsection:

4 NEW SUBSECTION. 21. A certified professional midwife
5 licensed under chapter 154E may use the words "certified
6 professional midwife" or the initials "C.P.M." after the
7 person's name.

8 Sec. 5. Section 147.80, Code 1997, is amended by adding
9 the following new subsection:

10 NEW SUBSECTION. 25A. License to practice certified
11 professional midwifery upon the basis of an examination given
12 by the board of certified professional midwife examiners,
13 license to practice professional midwifery under a reciprocal
14 agreement, and renewal of a license to practice professional
15 midwifery.

16 Sec. 6. NEW SECTION. 154E.1 DEFINITIONS.

17 As used in this chapter, unless the context otherwise
18 requires:

19 1. "Board" means the board of certified professional
20 midwife examiners established in section 147.13.

21 2. "Certified professional midwife" means a person who is
22 licensed to practice professional midwifery under chapter 147
23 and this chapter.

24 3. "Department" means the Iowa department of public health.

25 4. "Out-of-hospital" means any facility, institution, or
26 place which is not an ambulatory surgical center or a
27 hospital, such as a birth center as defined in section 135G.2
28 or a private home.

29 5. "Practice of certified professional midwifery" means the
30 provision of midwifery services including advising, attending,
31 or assisting a woman during pregnancy, labor, childbirth, or
32 the postpartum period by a person who is neither licensed to
33 practice medicine or surgery nor a nurse recognized by the
34 Iowa board of nursing as a certified nurse midwife, and who is
35 not rendering emergency services without compensation.

1 Sec. 7. NEW SECTION. 154E.2 LICENSURE -- CERTIFIED
2 PROFESSIONAL MIDWIFERY.

3 An applicant for a license to practice certified
4 professional midwifery shall be granted a license by the board
5 when the applicant satisfies all of the following
6 requirements:

7 1. Fulfills national certification requirements of the
8 North American registry of midwives or its successor
9 organization.

10 2. Has completed an apprenticeship period under the
11 supervision of a certified professional midwife, or has
12 completed a course of instruction in midwifery, to be
13 established by the board and the department by rule.

14 3. Passes an examination administered by the board.

15 Sec. 8. NEW SECTION. 154E.3 BOARD ORGANIZATION AND
16 AUTHORITY.

17 1. In addition to duties and responsibilities provided in
18 chapters 147 and 272C, the board and the department shall
19 adopt rules relating to:

20 a. Standards required for persons engaging in the practice
21 of certified professional midwifery.

22 b. Standards for professional conduct of persons licensed
23 under this chapter.

24 c. The administration of this chapter.

25 d. The application of the certification requirements of
26 the North American registry of midwives or its successor
27 organization to criteria for licensure as a certified
28 professional midwife.

29 e. Procedures for the issuance, renewal, and removal of
30 persons licensed under this chapter based on qualifications,
31 standards, and scope of practice established by the North
32 American registry of midwives or its successor organization.

33 f. Apprenticeship and courses of instruction as provided
34 in section 154E.2.

35 g. The maintenance of a registry of certified professional

1 midwives and statistics on the practice of certified
2 professional midwifery utilizing vital statistics data.

3 2. In establishing rules, the department and the board
4 shall consult with persons knowledgeable regarding the
5 prenatal and postpartum birth process, particularly those
6 possessing experience with out-of-hospital births, including
7 but not limited to physicians, certified professional
8 midwives, certified nurse midwives, and women who have given
9 birth in an out-of-hospital setting.

10 Sec. 9. NEW SECTION. 154E.4 CLIENT DISCLOSURE

11 1. Prior to accepting a patient for certified professional
12 midwifery care, a certified professional midwife shall provide
13 information indicating all of the following:

14 a. Evidence that the care provider is a licensed certified
15 professional midwife meeting the requirements of this chapter.

16 b. The certified professional midwife's educational
17 background and relevant experience, including experience in
18 various birth settings.

19 c. The nature, scope, and location of the care to be
20 given, including the possibility of and the guidelines for
21 transfer of the patient, newborn child, or both, to a hospital
22 from an out-of-hospital setting.

23 d. The available alternatives to professional midwifery
24 care.

25 e. A description of the risks of birth in the birth
26 setting anticipated pursuant to the midwifery care, including
27 the conditions which could arise during the delivery requiring
28 a change of birth setting.

29 f. The fact that the client is advised to consult with a
30 physician at least twice during the pregnancy.

31 g. The distance in miles between the location at which the
32 midwifery services are proposed to be provided and the nearest
33 hospital or other appropriate medical facility.

34 h. Information concerning whether or not the certified
35 professional midwife has malpractice insurance and the extent

1 of coverage of such insurance.

2 2. A certified professional midwife shall ensure that the
3 patient to receive midwifery services has signed a written
4 statement of informed consent containing at a minimum the
5 information required in subsection 1. The form and contents
6 of the statement shall be approved by the director of the
7 department.

8 3. A certified professional midwife and his or her client
9 shall prepare a written plan of action for continuity of care
10 throughout labor and delivery and to provide for the most
11 immediate care reasonably possible if an emergency arises.

12 Sec. 10. NEW SECTION. 154E.5 UNLAWFUL PRACTICE.

13 It shall be unlawful for any person licensed as a certified
14 professional midwife to attend any cases other than those of
15 routine childbirth, to perform any internal examinations or
16 manipulations of any kind, to prescribe medication, or to
17 perform any services of a licensed physician, physician
18 assistant, or nurse beyond the services specifically provided
19 in this chapter. In all cases in which a child is not
20 delivered spontaneously within a reasonable time, a certified
21 professional midwife shall notify a licensed and qualified
22 physician immediately and shall make no effort to deliver the
23 child except under the direction and supervision of a licensed
24 and qualified physician.

25 Sec. 11. NEW SECTION. 154E.6 EXCEPTIONS.

26 1. The practice of certified professional midwifery by a
27 certified professional midwife licensed pursuant to this
28 chapter shall constitute the licensed practice of midwifery
29 for purposes of the exception provided by chapters 147, 148,
30 150, and 150A of the Medical Practices Act.

31 2. The practice of certified professional midwifery by a
32 certified professional midwife licensed pursuant to this
33 chapter shall not constitute advanced registered nurse
34 practitioner care.

35 3. This chapter and chapter 147 do not prevent qualified

1 members of other professions, including physicians and nurses,
2 from providing services consistent with the nature of
3 certified professional midwifery, but these persons shall not
4 use a title or description denoting that they are certified
5 professional midwives.

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EXPLANATION

7 This bill provides for the licensing of certified
8 professional midwives. The bill provides that the practice of
9 certified professional midwifery refers to the provision of
10 midwifery services including advising, attending, or assisting
11 a woman during pregnancy, labor, childbirth, or the postpartum
12 period by a person who is neither licensed to practice
13 medicine or surgery nor a nurse recognized by the Iowa board
14 of nursing as a certified nurse midwife, and who is not
15 rendering emergency services without compensation. An
16 applicant for a license to practice certified professional
17 midwifery shall fulfill national certification requirements of
18 the North American registry of midwives or its successor
19 organization, complete an apprenticeship period under the
20 supervision of a certified professional midwife, or complete a
21 course of instruction to be established by the Iowa department
22 of public health by rule, and pass an examination administered
23 by the board of certified professional midwife examiners.

24 The bill provides for the establishment of a board of
25 certified professional midwife examiners responsible for
26 establishing rules regarding the licensing and practice of
27 certified professional midwifery, and makes changes in Code
28 chapter 147 consistent with the establishment of the new
29 board. In establishing rules, the bill provides that the
30 board shall consult with persons knowledgeable regarding the
31 prenatal and postpartum birth process, particularly those
32 possessing experience with out-of-hospital births, including
33 but not limited to physicians, certified professional
34 midwives, certified nurse midwives, and women who have given
35 birth in an out-of-hospital setting. The bill provides that

1 information relating to the qualification and experience of
2 the certified professional midwife, the nature and scope of
3 the care to be provided, potential complications, and related
4 information shall be disclosed prior to accepting a patient
5 for certified professional midwifery care, and that a
6 certified professional midwife shall ensure that the patient
7 to receive midwifery services has signed a written statement
8 of informed consent. The bill also provides that a certified
9 professional midwife and his or her client shall prepare a
10 written plan of action for continuity of care throughout labor
11 and delivery and to provide for the most immediate care
12 reasonably possible if an emergency arises.

13 The bill additionally provides that it shall be unlawful
14 for any person licensed as a certified professional midwife to
15 attend any cases other than those of normal childbirth, to
16 perform any internal examinations or manipulations of any
17 kind, to prescribe medication, or to perform any services of a
18 licensed physician, physician assistant, or nurse beyond the
19 services specifically provided in the bill. In all cases in
20 which a child is not delivered spontaneously within a
21 reasonable time, the bill provides that a certified
22 professional midwife shall notify a qualified physician
23 immediately and shall make no effort to deliver the child
24 except under the direction and supervision of a the physician.

25 The bill further provides that qualified members of other
26 professions, including physicians and nurses, are not
27 prevented from providing services consistent with the nature
28 of certified professional midwifery, but these persons shall
29 not use a title or description denoting that they are
30 certified professional midwives.

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