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HUMAN RESOURCES

HOUSE FILE 2460  
BY DODERER, MURPHY, and  
REYNOLDS-KNIGHT

(*Formuly 2365*)

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, and prohibiting the use of the title certified  
4 professional midwife without a license.

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

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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 licensed under chapter 148, 150,  
33 or 150A and is practicing in obstetrics or who is an advanced  
34 registered nurse practitioner licensed under chapter 152 who  
35 is a certified nurse midwife, and one member who is not a

1 licensed certified professional midwife or a licensed health  
2 care provider who has received professional midwifery services  
3 and who shall represent the general public.

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

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

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

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

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

19 As used in this chapter, unless the context otherwise  
20 requires:

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

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

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

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

31 5. "Practice of certified professional midwifery" means the  
32 provision of midwifery services including advising, attending,  
33 or assisting a woman during pregnancy, labor, childbirth, or  
34 the postpartum period by a person who is neither licensed to  
35 practice under chapter 148, 150, or 150A nor a nurse

1 recognized by the Iowa board of nursing as an advanced  
2 registered nurse practitioner who is a certified nurse  
3 midwife, and who is not rendering emergency services without  
4 compensation.

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

7 An applicant for a license to practice certified  
8 professional midwifery shall be granted a license by the board  
9 when the applicant satisfies all of the following  
10 requirements:

11 1. Has fulfilled national certification requirements of  
12 the North American registry of midwives or its successor  
13 organization.

14 2. Has completed an apprenticeship period under the  
15 supervision of a certified professional midwife, or has  
16 completed a course of instruction in midwifery, to be  
17 established by the board and the department by rule.

18 3. Has passed an examination administered by the board.

19 Sec. 8. NEW SECTION. 154E.3 BOARD ORGANIZATION AND  
20 AUTHORITY.

21 1. In addition to duties and responsibilities provided in  
22 chapters 147 and 272C, the board and the department shall  
23 adopt rules relating to:

24 a. Standards required for persons engaging in the practice  
25 of certified professional midwifery.

26 b. Standards for professional conduct of persons licensed  
27 under this chapter.

28 c. The administration of this chapter.

29 d. The application of the certification requirements of  
30 the North American registry of midwives or its successor  
31 organization to criteria for licensure as a certified  
32 professional midwife.

33 e. Procedures for the issuance, renewal, and removal of  
34 persons licensed under this chapter based on qualifications,  
35 standards, and scope of practice established by the North

1 American registry of midwives or its successor organization.  
2 f. Apprenticeship and courses of instruction as provided  
3 in section 154E.2.

4 g. The maintenance of a registry of certified professional  
5 midwives and statistics on the practice of certified  
6 professional midwifery utilizing vital statistics data.

7 2. In establishing rules, the department and the board  
8 shall consult with persons knowledgeable regarding the  
9 prenatal and postpartum birth process, particularly those  
10 possessing experience with out-of-hospital births, including  
11 but not limited to persons licensed under chapters 148, 150,  
12 and 150A, certified professional midwives, advanced registered  
13 nurse practitioners who are certified nurse midwives, and  
14 women who have given birth in an out-of-hospital setting.

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

16 Prior to accepting a patient for certified professional  
17 midwifery care, a certified professional midwife shall provide  
18 information indicating all of the following:

19 1. Evidence that the care provider is a licensed certified  
20 professional midwife meeting the requirements of this chapter.

21 2. The certified professional midwife's educational  
22 background and relevant experience, including experience in  
23 various birth settings.

24 3. The nature, scope, and location of the care to be  
25 given, including the possibility of and the guidelines for  
26 transfer of the patient, newborn child, or both, to a hospital  
27 from an out-of-hospital setting.

28 Sec. 10. NEW SECTION. 154E.6 EXCEPTIONS.

29 1. The practice of certified professional midwifery by a  
30 certified professional midwife licensed pursuant to this  
31 chapter shall constitute the licensed practice of midwifery.  
32 However, nothing in this chapter is intended to require a  
33 midwife to become licensed as described in this chapter.

34 2. The practice of certified professional midwifery by a  
35 certified professional midwife licensed pursuant to this

1 chapter does not constitute the practice of medicine and  
2 surgery under chapter 148, the practice of osteopathy under  
3 chapter 150, the practice of osteopathic medicine and surgery  
4 under chapter 150A, or the practice of nursing under chapter  
5 152.

6 3. This chapter and chapter 147 do not prevent qualified  
7 members of other professions, including but not limited to,  
8 individuals licensed under chapter 148, 150, 150A, or 152 from  
9 providing services consistent with the nature of certified  
10 professional midwifery, but these persons shall not use a  
11 title or description denoting that they are certified  
12 professional midwives.

13 Sec. 11. NEW SECTION. 154E.7 LIABILITY.

14 Persons licensed under chapters 148, 150, 150A, and 152,  
15 and other licensed health care providers shall not be held  
16 liable for the acts or omissions of a certified professional  
17 midwife when they render birth-related services to the client  
18 of a certified professional midwife. The liability of those  
19 licensed individuals in rendering care or assistance in good  
20 faith to a client of a certified professional midwife is  
21 limited to damages caused by the licensed individual's own  
22 gross negligence or willful or wanton acts or omissions.

23 Sec. 12. Section 272C.1, subsection 6, Code 1997, is  
24 amended by adding the following new paragraph:

25 NEW PARAGRAPH. ac. The board of certified professional  
26 midwife examiners, created pursuant to chapter 147.

27 Sec. 13. INITIAL BOARD.

28 1. Notwithstanding section 147.14, initial professional  
29 appointees to the certified professional midwife examiners  
30 shall fulfill the national certification requirements of the  
31 North American registry of midwives.

32 2. Notwithstanding section 147.14, of the initial  
33 appointments to the board of certified professional midwife  
34 examiners, one member shall be appointed for a one-year term,  
35 one member shall be appointed for a two-year term, and one

1 member shall be appointed for a three-year term. The member  
2 who is licensed under chapter 148, 150, 150A, or 152 shall be  
3 appointed for a two-year term and the member representing the  
4 general public shall be appointed to a three-year term.

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## EXPLANATION

6 This bill provides for the licensing of certified  
7 professional midwives. The bill provides that the practice of  
8 certified professional midwifery refers to the provision of  
9 midwifery services including advising, attending, or assisting  
10 a woman during pregnancy, labor, childbirth, or the postpartum  
11 period by a person who is not licensed to practice medicine  
12 and surgery, osteopathy, osteopathic medicine and surgery, or  
13 a nurse recognized by the Iowa board of nursing as an advanced  
14 registered nurse practitioner who is a certified nurse  
15 midwife, and who is not rendering emergency services without  
16 compensation. An applicant for a license to practice  
17 certified professional midwifery shall fulfill national  
18 certification requirements of the North American registry of  
19 midwives or its successor organization, complete an  
20 apprenticeship period under the supervision of a certified  
21 professional midwife or complete a course of instruction to be  
22 established by the Iowa department of public health by rule,  
23 and pass an examination administered by the board of certified  
24 professional midwife examiners.

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

1 professional midwives, certified nurse midwives, and women who  
2 have given birth in an out-of-hospital setting. The bill  
3 provides that information relating to the qualification and  
4 experience of the certified professional midwife, the nature  
5 and scope of the care to be provided, and related information  
6 shall be disclosed prior to accepting a patient for certified  
7 professional midwifery care.

8 The bill provides that qualified members of other  
9 professions, including physicians and nurses, are not  
10 prevented from providing services consistent with the nature  
11 of certified professional midwifery, but these persons shall  
12 not use a title or description denoting that they are  
13 certified professional midwives.

14 The bill provides that licensed physicians and surgeons,  
15 licensed osteopaths, licensed osteopathic physicians and  
16 surgeons, licensed nurses, and other licensed health care  
17 providers are not liable for acts or omissions of a certified  
18 professional midwife when they are providing assistance to the  
19 certified professional midwife. Any liability is limited to  
20 damages caused by gross negligence or willful or wanton acts  
21 or omissions.

22 The bill provides for the appointment of the initial board.

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