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HUMAN RESOURCES

HOUSE FILE

170

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MYERS, REYNOLDS, WITT, and
JOCHUM

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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HF 170

1 Section 1. Section 147.1, subsections 3 and 6, Code 1999,
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, social worker, massage therapist, or
13 athletic trainer, or certified professional midwife, means a
14 person licensed under this subtitle.

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, dietetics, massage therapy, or
23 athletic training, or certified professional midwifery.

24 Sec. 2. Section 147.13, Code 1999, is amended by adding
25 the following new subsection:

26 NEW SUBSECTION. 21. For certified professional midwifery,
27 certified professional midwife examiners.

28 Sec. 3. Section 147.14, Code 1999, is amended by adding
29 the following new subsection:

30 NEW SUBSECTION. 21. 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 1999, is amended by adding
5 the following new subsection:

6 | NEW SUBSECTION. 20A. 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 1999, is amended by adding
11 the following new subsection:

12 | NEW SUBSECTION. 27A. 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
27 health.

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

32 | 5. "Practice of certified professional midwifery" means
33 the provision of midwifery services including advising,
34 attending, or assisting a woman during pregnancy, labor,
35 childbirth, or the postpartum period by a person who is

1 neither licensed to practice under chapter 148, 150, or 150A
2 nor a nurse recognized by the Iowa board of nursing as an
3 advanced registered nurse practitioner who is a certified
4 nurse midwife, and who is not rendering emergency services
5 without compensation.

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

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

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

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

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

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

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

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

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

29 c. The administration of this chapter.

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

34 e. Procedures for the issuance, renewal, and removal of
35 persons licensed under this chapter based on qualifications,

1 standards, and scope of practice established by the North
2 American registry of midwives or its successor organization.

3 f. Apprenticeship and courses of instruction as provided
4 in section 154E.2.

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

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

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

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

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

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

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

29 Sec. 10. NEW SECTION. 154E.5 EXCEPTIONS.

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

35 2. The practice of certified professional midwifery by a

1 certified professional midwife licensed pursuant to this
2 chapter does not constitute the practice of medicine and
3 surgery under chapter 148, the practice of osteopathy under
4 chapter 150, the practice of osteopathic medicine and surgery
5 under chapter 150A, or the practice of nursing under chapter
6 152.

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

14 Sec. 11. NEW SECTION. 154E.6 LIABILITY.

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

24 Sec. 12. Section 272C.1, subsection 6, Code 1999, is
25 amended by adding the following new paragraph:

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

28 Sec. 13. INITIAL BOARD.

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

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

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

6 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 not licensed to practice medicine
13 and surgery, osteopathy, osteopathic medicine and surgery, or
14 a nurse recognized by the Iowa board of nursing as an advanced
15 registered nurse practitioner who is a certified nurse
16 midwife, and who is not rendering emergency services without
17 compensation. An applicant for a license to practice
18 certified professional midwifery shall fulfill national
19 certification requirements of the North American registry of
20 midwives or its successor organization, complete an
21 apprenticeship period under the supervision of a certified
22 professional midwife or complete a course of instruction to be
23 established by the Iowa department of public health by rule,
24 and pass an examination administered by the board of certified
25 professional midwife examiners.

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

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

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

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

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

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