

House Study Bill 701

Bill Text

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1 1 Section 1. NEW SECTION. 147B.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. "Council" means the midwifery advisory council
1 5 appointed by the director of the Iowa department of public
1 6 health to develop and adopt rules relating to the practice of
1 7 direct entry midwifery.
1 8 2. "Department" means the Iowa department of public
1 9 health.
1 10 3. "Director" means the director of the Iowa department of
1 11 public health.
1 12 4. "Practice of direct entry midwifery" means the
1 13 provision of midwifery services including advising, attending,
1 14 or assisting a woman during pregnancy, labor, childbirth, or
1 15 the postpartum period by a person who is not licensed to
1 16 practice under chapter 148, 150, 150A, or 152.
1 17 Sec. 2. NEW SECTION. 147B.2 AUTHORIZATION AND PURPOSE.
1 18 The purpose of this chapter is to legalize the practice of
1 19 direct entry midwifery, and to provide for the registration
1 20 and regulation of persons providing direct entry midwifery
1 21 services.
1 22 Sec. 3. NEW SECTION. 147B.3 REGISTRATION RENEWAL.
1 23 1. The department, upon application and receipt of the
1 24 prescribed fee, shall issue a certificate to an individual who
1 25 has met all of the requirements for registration as a
1 26 certified professional midwife or a certified midwife
1 27 established by rules adopted under section 147B.6, based on
1 28 the recommendations of the council pursuant to section 147B.4.
1 29 2. Registration certificates shall be valid for the
1 30 multiyear period determined by the department, unless sooner
1 31 suspended or revoked. The certificate shall be renewed upon
1 32 application of the holder and receipt of the prescribed fee if
1 33 the holder has satisfactorily completed continuing education
1 34 programs as required by rule.
1 35 3. The department may, based upon recommendations of the
2 1 council, deny an application for issuance or renewal of a
2 2 registration certificate, or suspend or revoke the certificate
2 3 if the department finds that the applicant or certificate
2 4 holder is guilty of acts or offenses to be determined by rule.
2 5 A denial, suspension, or revocation under this section shall
2 6 be carried out and may be appealed in accordance with the
2 7 rules of the department established pursuant to chapter 272C.
2 8 Sec. 4. NEW SECTION. 147B.4 COUNCIL ESTABLISHED TERMS
2 9 OF OFFICE.
2 10 1. A midwifery advisory council shall be appointed by the
2 11 director. Membership of the council shall be comprised of two
2 12 physicians licensed to practice medicine in the state of Iowa
2 13 pursuant to chapter 148 or 150A, one of which shall be a
2 14 board-certified obstetrician and the other of which, at the
2 15 discretion of the director, shall be either a board-certified
2 16 pediatrician or a board-certified family practice physician;
2 17 one certified nurse midwife licensed pursuant to chapter 152;
2 18 two certified professional midwives or certified midwives
2 19 registered pursuant to the provisions of this chapter; and two
2 20 members who shall represent the general public.
2 21 2. The council shall advise the director and develop

2 22 recommendations for the adoption of rules by the department
2 23 regarding regulation of the practice of direct entry midwifery
2 24 and development of clinical practice protocols.

2 25 a. Recommendations by the council relating to the
2 26 regulation of the practice of direct entry midwifery shall
2 27 include, but not be limited to, the following:

2 28 (1) Development of registration requirements. An
2 29 applicant shall be eligible for registration as a certified
2 30 professional midwife if the applicant is recognized by the
2 31 north American registry of midwives as a certified
2 32 professional midwife, or shall be eligible for registration as
2 33 a certified midwife if recognized by the American college of
2 34 nurse midwives as a certified midwife. An applicant for
2 35 registration who is recognized as a certified midwife by the
3 1 American college of nurse midwives shall possess stipulated
3 2 home birth experience as outlined by the north American
3 3 registry of midwives. Registration requirements as a
3 4 certified professional midwife and as a certified midwife
3 5 shall also include current certification in a neonatal
3 6 resuscitation program.

3 7 (2) Development of protocols for a review of clinical
3 8 practice procedures established pursuant to paragraph "b" of
3 9 this subsection.

3 10 (3) Development of protocols for disciplinary action,
3 11 pursuant to section 147B.3, subsection 3.

3 12 (4) Determination of procedures regarding data collection
3 13 and data submission that include risk assessment and outcomes
3 14 data related to both a mother and child receiving the services
3 15 of a midwife registered pursuant to this chapter.

3 16 b. Recommendations by the council relating to the
3 17 development of clinical practice protocols shall include, but
3 18 not be limited to, the following:

3 19 (1) Mandatory consultation with a licensed provider of
3 20 obstetric services or certified nurse midwifery for risk
3 21 assessment at least two times during a pregnancy.

3 22 (2) A mandatory statement by a midwife registered pursuant
3 23 to this chapter that a client is strongly encouraged to seek
3 24 consultation with a licensed provider of child health services
3 25 for an infant within a week following the infant's birth.

3 26 (3) Rigorous and ongoing risk assessment with mandatory
3 27 consultation or referral to either a licensed provider of
3 28 obstetric services, a certified nurse midwife, or a licensed
3 29 provider of child health services as determined appropriate by
3 30 a midwife registered pursuant to this chapter.

3 31 (4) Obtaining written, informed consent which includes a
3 32 written emergency backup plan.

3 33 (5) Restriction of the scope of practice protocol
3 34 applicable to a certified professional midwife which excludes
3 35 the authority to prescribe drugs and to order diagnostic
4 1 testing.

4 2 Sec. 5. NEW SECTION. 147B.5 MEETINGS OF THE COUNCIL
4 3 QUORUM EXPENSES.

4 4 Membership, terms of office, quorum, and expenses relating
4 5 to the midwifery advisory council shall be determined by the
4 6 director pursuant to chapter 135.

4 7 Sec. 6. NEW SECTION. 147B.6 RULEMAKING AUTHORITY.

4 8 The department shall adopt rules under this chapter, based
4 9 upon the recommendations of the council, pursuant to section
4 10 147B.4.

4 11 Sec. 7. NEW SECTION. 147B.7 LIABILITY.

4 12 Persons licensed under chapters 148, 150, 150A, and 152,
4 13 and other licensed health care providers shall not be held
4 14 liable for the acts or omissions of a certified professional
4 15 midwife or certified midwife when they render birth-related
4 16 services to the client of a certified professional midwife.
4 17 The liability of those licensed individuals in rendering care
4 18 or assistance in good faith to a client of a certified

4 19 professional midwife or certified midwife is limited to
4 20 damages caused by the licensed individual's own gross
4 21 negligence or willful or wanton acts or omissions.
4 22 Sec. 8. NEW SECTION. 147B.8 PROHIBITION CRIME.
4 23 A person required to register by this chapter who practices
4 24 as a certified professional midwife or a certified midwife
4 25 without having obtained the appropriate registration
4 26 certificate under this chapter is guilty of a serious
4 27 misdemeanor.

4 28 EXPLANATION

4 29 This bill provides registration requirements for
4 30 individuals engaged in the practice of direct entry midwifery,
4 31 and establishes a midwifery advisory council.

4 32 The bill defines the practice of direct entry midwifery to
4 33 refer to the provision of midwifery services including
4 34 advising, attending, or assisting a woman during pregnancy,
4 35 labor, childbirth, or the postpartum period by a person who is
5 1 not licensed to practice under Code chapter 148, 150, 150A, or
5 2 152.

5 3 The bill provides that the department of public health,
5 4 upon application and receipt of a prescribed fee, shall issue
5 5 a certificate of registration to an individual who has met all
5 6 of the requirements for registration as a certified
5 7 professional midwife or a certified midwife established by
5 8 departmental rules based on the recommendations of a midwifery
5 9 advisory council. The bill provides that the council shall be
5 10 appointed by the director of the department of public health.
5 11 Membership of the council shall be comprised of two physicians
5 12 licensed to practice medicine in the state of Iowa pursuant to
5 13 Code chapter 148 or 150A, one of which shall be a board-
5 14 certified obstetrician and the other of which at the
5 15 discretion of the director shall be either a board-certified
5 16 pediatrician or a board-certified family practice physician;
5 17 one certified nurse midwife licensed pursuant to Code chapter
5 18 152; two certified professional midwives or certified midwives
5 19 registered pursuant to the provisions of this chapter; and two
5 20 members who shall represent the general public.

5 21 The bill provides that the council shall advise the
5 22 director and develop recommendations for the adoption of rules
5 23 by the department regarding regulation of the practice of
5 24 direct entry midwifery. The bill provides that this shall
5 25 include the development of registration requirements. An
5 26 applicant shall be eligible for registration as a certified
5 27 professional midwife if recognized by the north American
5 28 registry of midwives as a certified professional midwife, or
5 29 shall be eligible for registration as a certified midwife if
5 30 recognized by the American college of nurse midwives as a
5 31 certified midwife. The bill provides that an applicant for
5 32 registration who is recognized as a certified midwife by the
5 33 American college of nurse midwives shall possess stipulated
5 34 home birth experience as outlined by the north American
5 35 registry of midwives, and that registration requirements for
6 1 both certified professional midwives and certified midwives
6 2 shall also include current certification in a neonatal
6 3 resuscitation program. The bill provides that the council
6 4 shall also develop protocols for a review of clinical practice
6 5 procedures and for disciplinary action, and that the council
6 6 shall determine procedures regarding data collection and data
6 7 submission that include risk assessment and outcomes data
6 8 related to both a mother and child receiving the services of a
6 9 midwife registered pursuant to this chapter.

6 10 The bill additionally provides that the council make
6 11 recommendations regarding the development of clinical practice
6 12 protocols. The protocols shall include, but not be limited
6 13 to, mandatory consultation with a licensed provider of
6 14 obstetric services or certified nurse midwifery, a mandatory
6 15 statement encouraging a client to seek consultation with a

6 16 licensed provider of child health services for an infant,
6 17 ongoing risk assessment, the obtaining of written informed
6 18 consent, and the restriction of the scope of practice protocol
6 19 applicable to a certified professional midwife to exclude
6 20 authority to prescribe drugs and order diagnostic testing.

6 21 The bill provides that licensed physicians and surgeons,
6 22 licensed osteopaths, licensed osteopathic physicians and
6 23 surgeons, licensed nurses, and other licensed health care
6 24 providers are not liable for acts or omissions of a certified
6 25 professional midwife or certified midwife when they are
6 26 providing assistance to the certified professional midwife or
6 27 certified midwife. Any liability is limited to damages caused
6 28 by gross negligence or willful or wanton acts or omissions.

6 29 The bill provides for the renewal of registration
6 30 certificates upon application and receipt of the prescribed
6 31 fee if the registrant has satisfactorily completed continuing
6 32 education programs to be established by rule. The bill
6 33 further provides that an application for issuance or renewal
6 34 of a registration certificate may be denied, revoked or
6 35 suspended by the department under circumstances to be
7 1 determined by rule. The bill provides that a nonregistered
7 2 individual who is not excluded from the requirements for
7 3 registration and who practices as a certified professional
7 4 midwife or a certified midwife without having obtained a
7 5 registration certificate shall be guilty of a serious
7 6 misdemeanor.

7 7 LSB 6516HC 78

7 8 rn/cf/24.1