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COMMERCE AND REGULATION

HOUSE FILE 200

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FALLON, HATCH, DOTZLER, MURPHY,  
CONNORS, O'BRIEN, T. TAYLOR,  
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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1 Section 1. Section 147.1, subsection 2, paragraphs c and  
2 f, Code 2001, are amended to read as follows:

3 c. "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, athletic  
13 trainer, ~~or~~ acupuncturist, or certified professional midwife,  
14 means a person licensed under this subtitle.

15 f. "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, athletic  
23 training, ~~or~~ acupuncture, or certified professional midwifery.

24 Sec. 2. Section 147.13, Code 2001, 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 2001, 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 2001, 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 2001, is amended by adding  
11 the following new subsection:

12 NEW SUBSECTION. 28A. 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, or 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 2001, 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 of other  
21 licensed health care providers is limited to damages caused by  
22 gross negligence or willful or wanton acts or omissions.

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