

Senate File 91 - Introduced

SENATE FILE 91

BY BOLKCOM

A BILL FOR

1 An Act relating to the licensing of midwives and providing
2 for a fee and a penalty, and including effective date
3 provisions.

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

1 Section 1. Section 147.1, subsections 3 and 6, Code 2011,
2 are amended to read as follows:

3 3. "*Licensed*" or "*certified*", when applied to a physician
4 and surgeon, podiatric physician, osteopathic physician and
5 surgeon, physician assistant, psychologist, chiropractor,
6 nurse, dentist, dental hygienist, dental assistant,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, physical therapist assistant, occupational
9 therapist, occupational therapy assistant, respiratory care
10 practitioner, practitioner of cosmetology arts and sciences,
11 practitioner of barbering, funeral director, dietitian, marital
12 and family therapist, mental health counselor, social worker,
13 massage therapist, midwife, athletic trainer, acupuncturist,
14 nursing home administrator, hearing aid dispenser, or sign
15 language interpreter or transliterator means a person licensed
16 under this subtitle.

17 6. "*Profession*" means medicine and surgery, podiatry,
18 osteopathic medicine and surgery, practice as a physician
19 assistant, psychology, chiropractic, nursing, dentistry,
20 dental hygiene, dental assisting, optometry, speech pathology,
21 audiology, pharmacy, physical therapy, physical therapist
22 assisting, occupational therapy, occupational therapy
23 assisting, respiratory care, cosmetology arts and sciences,
24 barbering, mortuary science, marital and family therapy,
25 mental health counseling, social work, dietetics, massage
26 therapy, midwifery, athletic training, acupuncture, nursing
27 home administration, hearing aid dispensing, or sign language
28 interpreting or transliterating.

29 Sec. 2. Section 147.2, subsection 1, Code 2011, is amended
30 to read as follows:

31 1. A person shall not engage in the practice of medicine
32 and surgery, podiatry, osteopathic medicine and surgery,
33 psychology, chiropractic, physical therapy, physical therapist
34 assisting, nursing, dentistry, dental hygiene, dental
35 assisting, optometry, speech pathology, audiology, occupational

1 therapy, occupational therapy assisting, respiratory care,
2 pharmacy, cosmetology arts and sciences, barbering, social
3 work, dietetics, marital and family therapy or mental health
4 counseling, massage therapy, midwifery, mortuary science,
5 athletic training, acupuncture, nursing home administration,
6 hearing aid dispensing, or sign language interpreting
7 or transliterating, or shall not practice as a physician
8 assistant, unless the person has obtained a license for that
9 purpose from the board for the profession.

10 Sec. 3. Section 147.13, Code 2011, is amended by adding the
11 following new subsection:

12 NEW SUBSECTION. 24. For midwifery, the board of midwifery.

13 Sec. 4. Section 147.14, subsection 1, Code 2011, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. x. For midwifery, a total of seven members,
16 three members who are licensed midwives under chapter 148F;
17 one member who is licensed under chapter 148, is a practicing
18 family physician, and has professional experience consulting
19 for and collaborating with direct-entry midwives; one member
20 who is an advanced registered nurse practitioner licensed under
21 chapter 152, is a certified nurse midwife, and has professional
22 experience consulting for and collaborating with direct-entry
23 midwives; and two members who are not licensed midwives or
24 licensed health care providers who have received direct-entry
25 midwifery services and who shall represent the general public.

26 Sec. 5. Section 147.74, Code 2011, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 5A. A midwife licensed under chapter 148F
29 may use the words "licensed midwife" or the initials "L.M."
30 after the person's name.

31 Sec. 6. NEW SECTION. 148F.1 Definitions.

32 As used in this chapter, unless the context otherwise
33 requires:

34 1. "*Board*" means the board of midwifery.

35 2. "*Licensed midwife*" means a person who is licensed to

1 practice midwifery as provided in this chapter.

2 3. "*Out-of-hospital*" means any facility, institution, or
3 place which is not an ambulatory surgical center or a hospital,
4 such as a birth center as defined in section 135.61 or a
5 private home.

6 4. "*Practice of midwifery*" means the provision of primary
7 maternity care during the antepartum, intrapartum, and
8 postpartum periods by a person who is neither licensed to
9 practice under chapter 148, nor a nurse recognized by the Iowa
10 board of nursing as an advanced registered nurse practitioner
11 who is a certified nurse midwife, and who is not rendering
12 emergency services without compensation. "*Practice of*
13 *midwifery*" may also include the carrying and administration
14 of certain medications during the practice of midwifery,
15 including oxytocin, as a postpartum antihemorrhagic agent,
16 oxygen, intravenous fluids for stabilization, vitamin K, eye
17 prophylactics, and other drugs or procedures as appropriate for
18 the scope of practice for licensed midwives as determined by
19 the board.

20 Sec. 7. NEW SECTION. 148F.2 Licensure — licensed
21 midwifery.

22 Beginning July 1, 2012, every person practicing midwifery
23 in this state shall be licensed pursuant to this chapter. The
24 board shall adopt rules pursuant to chapters 17A, 147, and 272C
25 establishing procedures for the licensing of new and practicing
26 midwives. Prior to obtaining licensure, an applicant shall
27 successfully pass an examination prescribed and approved by
28 the board as determined in rule demonstrating competencies
29 in at least all of the following areas: risk assessment
30 and management; prenatal care; management of normal labor,
31 birth, and postpartum; newborn care up to six weeks; and adult
32 cardiopulmonary resuscitation and newborn resuscitation.

33 Sec. 8. NEW SECTION. 148F.3 Use of title — penalty.

34 A person shall not use the title licensed midwife, describe
35 or imply that the person is a licensed midwife, or represent

1 the person as a licensed midwife unless the person is granted a
2 license under this chapter or is licensed as a nurse-midwife
3 under chapter 152.

4 Sec. 9. NEW SECTION. 148F.4 Rules.

5 1. The board shall:

6 a. Adopt rules relating to standards for professional
7 conduct of persons licensed under this chapter.

8 b. Adopt rules consistent with this chapter and with
9 chapters 147 and 272C which are necessary for the performance
10 of its duties.

11 c. Act on matters concerning licensure and the processes
12 of applying for, granting, suspending, imposing supervisory
13 or probationary conditions upon, reinstating, and revoking a
14 license.

15 d. Administer the provisions of this chapter requiring
16 documentation required to demonstrate competence as a midwife,
17 and the processing of applications for licenses and license
18 renewal.

19 e. Develop continuing education requirements as a condition
20 of license renewal.

21 f. Evaluate requirements for licensure in other states to
22 determine if reciprocity may be granted.

23 g. Establish and collect licensure fees as provided in
24 section 147.80 and retain fees as provided in section 147.82.

25 h. Adopt guidelines encouraging the development
26 of collaborative relationships with other health care
27 practitioners who can provide care outside of the scope of the
28 practice of midwifery when necessary.

29 i. Establish procedures for the issuance, renewal, and
30 revocation or suspension of a license under this chapter.

31 j. Maintain a registry of licensed midwives and statistics
32 on the practice of midwifery utilizing vital statistics data.

33 2. In establishing rules, the board shall consult with
34 persons knowledgeable regarding the prenatal and postpartum
35 birth process, particularly those possessing experience with

1 out-of-hospital births, including but not limited to persons
2 licensed under chapter 148, certified professional midwives,
3 advanced registered nurse practitioners who are certified nurse
4 midwives, and women who have given birth in an out-of-hospital
5 setting.

6 3. Rules relating to the practice of midwifery shall
7 not be inconsistent with the North American registry of
8 midwives' current job description for the profession and the
9 standards of practice of midwifery established by the national
10 association of certified professional midwives or a successor
11 organization, and shall not expand the scope of practice of
12 midwifery established by the national association of certified
13 professional midwives or a successor organization.

14 Sec. 10. NEW SECTION. 148F.5 Client disclosure.

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

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

20 2. Whether the licensed midwife has malpractice liability
21 insurance coverage and the policy limits of such coverage.

22 3. The midwife's educational background and relevant
23 experience, including experience in various birth settings.

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

28 Sec. 11. NEW SECTION. 148F.6 Exceptions.

29 1. This chapter does not prevent qualified members of other
30 professions including but not limited to individuals licensed
31 under chapter 148 or 152 from providing services consistent
32 with the nature of the practice of midwifery.

33 2. This chapter does not prevent or prohibit a student
34 midwife from performing tasks related to the practice of
35 midwifery under the supervision of a licensed midwife, a

1 certified nurse midwife, or a licensed physician during
2 completion of the licensure process.

3 3. The practice of midwifery in this state prior to July
4 1, 2011, shall not constitute grounds for disciplinary action
5 by the board. The board may issue a license to a person who
6 has practiced midwifery in this state upon application and
7 compliance with the provisions of this chapter and the rules
8 adopted pursuant to this chapter.

9 Sec. 12. NEW SECTION. 148F.7 **Prohibited practice.**

10 A person shall not practice midwifery, or represent that the
11 person is a midwife, unless the person is licensed as provided
12 in this chapter.

13 Sec. 13. NEW SECTION. 148F.8 **Requirements for licensure —**
14 **temporary license.**

15 Beginning July 1, 2012, an individual who does not meet the
16 requirements for licensure by examination pursuant to section
17 148F.2 may apply for a one-year temporary license as determined
18 by the board in rules. Renewal of the temporary license shall
19 be determined by the board. The board may revoke a temporary
20 license if it determines that the temporary licensee has
21 violated standards established by rule.

22 Sec. 14. Section 272C.1, subsection 6, Code 2011, is amended
23 by adding the following new paragraph:

24 NEW PARAGRAPH. *ag.* The board of midwifery, created pursuant
25 to chapter 147.

26 Sec. 15. Section 272C.4, subsection 6, Code 2011, is amended
27 to read as follows:

28 6. Define by rule acts or omissions that are grounds for
29 revocation or suspension of a license under section 100D.5,
30 105.22, 147.55, 148.6, 148B.7, 148F.4, 152.10, 153.34, 154A.24,
31 169.13, 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15,
32 or 602.3203 or chapter 151 or 155, as applicable, and to define
33 by rule acts or omissions that constitute negligence, careless
34 acts, or omissions within the meaning of section 272C.3,
35 subsection 2, paragraph "b", which licensees are required to

1 report to the board pursuant to section 272C.9, subsection 2.

2 Sec. 16. INITIAL APPOINTMENTS.

3 1. Notwithstanding any provision to the contrary in this
4 Act, initial professional appointees to the board of midwifery
5 shall fulfill the national certification requirements of the
6 North American registry of midwives.

7 2. One of the initial professional appointments to the
8 board shall be appointed for a one-year term, one member shall
9 be appointed for a two-year term, and one member shall be
10 appointed for a three-year term. The members who are licensed
11 under chapter 148 or 152 shall each be appointed for a two-year
12 term, and the members representing the general public shall
13 each be appointed to a three-year term.

14 Sec. 17. EFFECTIVE DATE. The sections of this Act amending
15 section 147.2, subsection 1, and enacting section 148F.8 take
16 effect July 1, 2012.

17 EXPLANATION

18 This bill creates new Code chapter 148F that provides for
19 the licensure of midwives beginning July 1, 2012. A midwife
20 is not an allopathic or osteopathic physician licensed under
21 Code chapter 148 or a nurse licensed under Code chapter
22 152 providing primary maternity care during the antepartum,
23 intrapartum, and postpartum periods.

24 The bill provides for the establishment of a seven-member
25 board of midwifery consisting of three members who are
26 midwives, one physician, one nurse, and two members who
27 represent the general public. The bill provides for fees to
28 fund the board and provides penalties for violation of the
29 practice requirement; those penalties are set out for all
30 health-related boards in Code chapters 147 and 272C. Code
31 section 147.86 provides that it is a serious misdemeanor to
32 violate a provision of the licensing laws.

33 The board is similar in composition and responsibilities to
34 other health-related licensing boards.

35 The provisions of the bill amending Code section 147.2 and

1 enacting Code section 148F.8, both prohibiting the practice of
2 midwifery without a license, take effect July 1, 2012.