

**House File 453 - Introduced**

HOUSE FILE 453

BY KAUFMANN

**A BILL FOR**

1 An Act providing for midwife licensure and providing for a fee  
2 and a penalty.

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

1 Section 1. MIDWIFERY LICENSURE — LEGISLATIVE FINDINGS  
 2 AND INTENT. The general assembly recognizes the need for a  
 3 person to have the freedom to choose the manner, cost, and  
 4 setting for giving birth. The general assembly finds that  
 5 access to prenatal care and delivery services is limited by  
 6 the inadequate number of providers of such services and that  
 7 the practice of midwifery may help to reduce this shortage.  
 8 The general assembly also recognizes the need for the safe and  
 9 effective delivery of newborn babies and the health, safety,  
 10 and welfare of their mothers in the delivery process. The  
 11 general assembly, in the interest of public health, promotes  
 12 the regulation of the practice of midwifery in Iowa for the  
 13 purpose of protecting the health and welfare of women and  
 14 infants. The general assembly recognizes that midwifery is a  
 15 profession in its own right and that it is not the practice of  
 16 medicine or nursing.

17 Sec. 2. Section 147.1, subsections 3 and 6, Code 2017, are  
 18 amended to read as follows:

19 3. *"Licensed"* or *"certified"*, when applied to a physician  
 20 and surgeon, podiatric physician, osteopathic physician and  
 21 surgeon, physician assistant, psychologist, chiropractor,  
 22 nurse, dentist, dental hygienist, dental assistant,  
 23 optometrist, speech pathologist, audiologist, pharmacist,  
 24 physical therapist, physical therapist assistant, occupational  
 25 therapist, occupational therapy assistant, orthotist,  
 26 prosthetist, pedorthist, respiratory care practitioner,  
 27 practitioner of cosmetology arts and sciences, practitioner  
 28 of barbering, funeral director, dietitian, marital and family  
 29 therapist, mental health counselor, respiratory care and  
 30 polysomnography practitioner, polysomnographic technologist,  
 31 social worker, massage therapist, midwife, athletic trainer,  
 32 acupuncturist, nursing home administrator, hearing aid  
 33 specialist, or sign language interpreter or transliterator  
 34 means a person licensed under [this subtitle](#).

35 6. *"Profession"* means medicine and surgery, podiatry,

1 osteopathic medicine and surgery, practice as a physician  
2 assistant, psychology, chiropractic, nursing, dentistry,  
3 dental hygiene, dental assisting, optometry, speech pathology,  
4 audiology, pharmacy, physical therapy, physical therapist  
5 assisting, occupational therapy, occupational therapy  
6 assisting, respiratory care, cosmetology arts and sciences,  
7 barbering, mortuary science, marital and family therapy, mental  
8 health counseling, polysomnography, social work, dietetics,  
9 massage therapy, midwifery, athletic training, acupuncture,  
10 nursing home administration, practice as a hearing aid  
11 specialist, sign language interpreting or transliterating,  
12 orthotics, prosthetics, or pedorthics.

13 Sec. 3. Section 147.2, subsection 1, Code 2017, is amended  
14 to read as follows:

15 1. A person shall not engage in the practice of medicine  
16 and surgery, podiatry, osteopathic medicine and surgery,  
17 psychology, chiropractic, physical therapy, physical  
18 therapist assisting, nursing, dentistry, dental hygiene,  
19 dental assisting, optometry, speech pathology, audiology,  
20 occupational therapy, occupational therapy assisting,  
21 orthotics, prosthetics, pedorthics, respiratory care,  
22 pharmacy, cosmetology arts and sciences, barbering, social  
23 work, dietetics, marital and family therapy or mental health  
24 counseling, massage therapy, midwifery, mortuary science,  
25 polysomnography, athletic training, acupuncture, nursing  
26 home administration, or sign language interpreting or  
27 transliterating, or shall not practice as a physician assistant  
28 or a hearing aid specialist, unless the person has obtained a  
29 license for that purpose from the board for the profession.

30 Sec. 4. Section 147.13, Code 2017, is amended by adding the  
31 following new subsection:

32 NEW SUBSECTION. 25. For midwifery, the board of midwifery.

33 Sec. 5. Section 147.14, subsection 1, Code 2017, is amended  
34 by adding the following new paragraph:

35 NEW PARAGRAPH. x. For midwifery, a total of seven members,

1 four members who are licensed midwives under chapter 148H;  
2 one member who is licensed under chapter 148, is a practicing  
3 family physician, and has professional experience consulting  
4 for and collaborating with direct-entry midwives; and two  
5 members who are not licensed midwives or licensed health care  
6 providers who have received direct-entry midwifery services and  
7 who shall represent the general public.

8 Sec. 6. Section 147.74, Code 2017, is amended by adding the  
9 following new subsection:

10 NEW SUBSECTION. 5A. A midwife licensed under chapter 148H  
11 may use the words "licensed midwife" or the initials "L.M."  
12 after the person's name.

13 Sec. 7. NEW SECTION. 148H.1 **Definitions.**

14 As used in this chapter, unless the context otherwise  
15 requires:

16 1. "*Board*" means the board of midwifery created under  
17 chapter 147.

18 2. "*Licensed midwife*" means a person who is licensed to  
19 practice midwifery as provided in this chapter.

20 3. "*Midwife*" means a person who is trained to give the  
21 necessary care and advice to a woman during pregnancy, labor,  
22 and the postnatal period, to conduct normal deliveries on the  
23 midwife's own responsibility, and to care for the newly born  
24 infant, and who is able to recognize the warning signs of  
25 abnormal conditions requiring referral to or collaboration with  
26 a physician.

27 4. "*Midwifery*" means the practice of attending to a woman  
28 experiencing a low-risk pregnancy during pregnancy, labor, and  
29 the postnatal period with the informed consent of the woman,  
30 and the provision of comprehensive care of the pregnant woman  
31 during the antepartum phase, intrapartum phase, and postpartum  
32 phase, and the application of emergency care when necessary.

33 5. "*Out-of-hospital*" means any facility, institution, or  
34 place which is not an ambulatory surgical center or a hospital,  
35 such as a birth center as defined in section 135.61 or a

1 private home.

2 Sec. 8. NEW SECTION. 148H.2 Licensure — licensed  
3 midwifery.

4 1. Every person engaged in the practice of midwifery in this  
5 state shall be licensed pursuant to this chapter.

6 2. Prior to obtaining licensure, an applicant shall  
7 successfully pass an examination approved by the board by rule  
8 demonstrating competencies in at least all of the following  
9 areas: risk assessment and management; prenatal care;  
10 management of normal labor, birth, and postpartum; newborn care  
11 up to six weeks; and adult cardiopulmonary resuscitation and  
12 newborn resuscitation.

13 3. The applicant shall hold a certified professional  
14 midwife credential issued by the North American registry of  
15 midwives or any other nationally accredited credential as  
16 specified by the board. If an applicant has been subject to  
17 prior revocation of a license to practice medicine or nursing,  
18 the applicant shall not be eligible for licensure under this  
19 chapter, except as determined by the board.

20 4. The board may request, at the applicant's expense, that  
21 the department of public safety perform a criminal history  
22 check and the department of human services perform child and  
23 dependent adult abuse record checks of the applicant. If an  
24 applicant has a criminal record or a record of founded child or  
25 dependent adult abuse, the board shall perform an evaluation to  
26 determine whether the record warrants denial of licensure.

27 Sec. 9. NEW SECTION. 148H.3 Use of title — penalty.

28 A person shall not use the title "licensed midwife",  
29 describe or imply that the person is a licensed midwife, or  
30 represent the person as a licensed midwife unless the person is  
31 licensed under this chapter or is licensed as a nurse-midwife  
32 under chapter 152.

33 Sec. 10. NEW SECTION. 148H.4 Rules.

34 1. The board shall:

35 a. Adopt rules relating to standards for professional

1 conduct of persons licensed under this chapter.

2 *b.* Adopt rules consistent with this chapter and with  
3 chapters 17A, 147, and 272C which are necessary for the  
4 performance of the board's duties.

5 *c.* Act on matters concerning licensure and the processes  
6 of applying for, granting, suspending, imposing supervisory  
7 or probationary conditions upon, reinstating, and revoking a  
8 license.

9 *d.* Administer the provisions of this chapter requiring  
10 documentation required to demonstrate competence as a midwife,  
11 and the processing of applications for licenses and license  
12 renewal.

13 *e.* Develop continuing education requirements as a condition  
14 of license renewal.

15 *f.* Evaluate requirements for licensure in other states to  
16 determine if reciprocity may be granted.

17 *g.* Establish and collect licensure fees as provided in  
18 section 147.80 and retain fees as provided in section 147.82.

19 *h.* Establish procedures for the issuance, renewal, and  
20 revocation or suspension of a license under this chapter.

21 *i.* Maintain a registry of licensed midwives and statistics  
22 on the practice of midwifery utilizing vital statistics data.

23 2. In developing rules, the board may consult with  
24 persons knowledgeable regarding the prenatal and postpartum  
25 birth process, particularly those possessing experience  
26 with out-of-hospital births, including but not limited to  
27 persons licensed under chapter 148, certified professional  
28 midwives, advanced registered nurse practitioners who are  
29 certified nurse-midwives, and women who have given birth in  
30 an out-of-hospital setting. In developing rules relating  
31 to the practice of midwifery, the board shall reflect the  
32 knowledge and skills identified by the North American registry  
33 of midwives' current job description for the profession and the  
34 standards of practice of midwifery established by the national  
35 association of certified professional midwives or a successor

1 organization.

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

10 Sec. 11. NEW SECTION. 148H.5 Client disclosure.

11 Prior to accepting a patient for midwifery care, a licensed  
12 midwife shall provide information to the patient indicating all  
13 of the following:

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

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

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

20 4. The nature, scope, and location of the care to be  
21 given, including the possibility of and the guidelines for  
22 consultation, referral, or transfer of the patient to a  
23 hospital from an out-of-hospital setting.

24 Sec. 12. NEW SECTION. 148H.6 Exceptions.

25 1. This chapter does not prevent qualified members of other  
26 professions including but not limited to individuals licensed  
27 under chapter 148 or 152 from providing services consistent  
28 with the nature of the practice of midwifery.

29 2. This chapter does not prevent or prohibit a student  
30 midwife from performing tasks related to the practice of  
31 midwifery under the supervision of a licensed midwife, a  
32 certified nurse-midwife, or a licensed physician during  
33 completion of the licensure process.

34 3. The practice of midwifery in this state prior to July 1,  
35 2017, shall not constitute grounds for disciplinary action by

1 the board. The board may issue a license to a person who has  
2 practiced midwifery in this state prior to that date upon that  
3 person's application and compliance with the provisions of this  
4 chapter and the rules adopted pursuant to this chapter.

5 Sec. 13. NEW SECTION. **148H.7 Requirements for licensure —**  
6 **temporary license.**

7 An individual who does not meet the requirements for  
8 licensure by examination pursuant to section 148H.2 may apply  
9 for a one-year temporary license, the qualifications for  
10 which shall be determined by the board by rule. Renewal of  
11 the temporary license shall be determined by the board. The  
12 board may revoke a temporary license if it determines that the  
13 temporary licensee has violated standards established by rule.

14 Sec. 14. Section 272C.1, subsection 6, Code 2017, is amended  
15 by adding the following new paragraph:

16 NEW PARAGRAPH. *ah.* The board of midwifery, created pursuant  
17 to chapter 147.

18 Sec. 15. Section 272C.4, subsection 6, Code 2017, is amended  
19 to read as follows:

20 6. Define by rule acts or omissions that are grounds for  
21 revocation or suspension of a license under [section 100D.5](#),  
22 [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [148H.4](#), [152.10](#), [153.34](#), [154A.24](#),  
23 [169.13](#), [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#),  
24 or [602.3203](#) or [chapter 151](#) or [155](#), as applicable, and to define  
25 by rule acts or omissions that constitute negligence, careless  
26 acts, or omissions within the meaning of section 272C.3,  
27 subsection 2, paragraph "b", which licensees are required to  
28 report to the board pursuant to [section 272C.9, subsection 2](#).

29 Sec. 16. **INITIAL APPOINTMENTS.**

30 1. Notwithstanding any provision to the contrary in this  
31 Act, the initial midwife appointees to the board of midwifery  
32 created pursuant to this Act shall fulfill the national  
33 certification requirements of the North American registry of  
34 midwives.

35 2. One of the initial midwife appointments to the board



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

7 EXPLANATION

8 The inclusion of this explanation does not constitute agreement with  
9 the explanation's substance by the members of the general assembly.

10 This bill creates new Code chapter 148H that provides for  
11 the licensure of midwives beginning July 1, 2017. A midwife,  
12 as defined by the bill, provides comprehensive maternity care  
13 to low-risk women during the antepartum, intrapartum, or  
14 postpartum period.

15 The bill provides for the establishment of a seven-member  
16 board of midwifery consisting of four members who are midwives,  
17 one physician, and two members who represent the general  
18 public. The bill provides for fees to fund the board and  
19 provides penalties for violation of the licensure requirement;  
20 those penalties are set out for all health-related boards in  
21 Code chapters 147 and 272C. Code section 147.86 provides that  
22 it is a serious misdemeanor to violate a provision of the  
23 licensing laws.

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

26 The bill provides that a midwife practicing prior to  
27 the effective date of the bill is not required to take an  
28 examination for licensure.