

House Study Bill 522 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to midwife licensure, providing for fees, and
2 making penalties applicable.

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

1 Section 1. Section 147.1, subsections 3 and 6, Code 2020,
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, genetic counselor, physician assistant, psychologist,
6 chiropractor, nurse, dentist, dental hygienist, dental
7 assistant, optometrist, speech pathologist, audiologist,
8 pharmacist, physical therapist, physical therapist assistant,
9 occupational therapist, occupational therapy assistant,
10 orthotist, prosthetist, pedorthist, respiratory care
11 practitioner, practitioner of cosmetology arts and sciences,
12 practitioner of barbering, funeral director, dietitian,
13 behavior analyst, assistant behavior analyst, marital and
14 family therapist, mental health counselor, midwife, respiratory
15 care and polysomnography practitioner, polysomnographic
16 technologist, social worker, massage therapist, athletic
17 trainer, acupuncturist, nursing home administrator, hearing
18 aid specialist, or sign language interpreter or transliterator
19 means a person licensed under [this subtitle](#).

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

34 Sec. 2. Section 147.13, Code 2020, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 25. For midwifery, the board of midwifery.
2 Sec. 3. Section 147.14, subsection 1, Code 2020, is amended
3 by adding the following new paragraph:

4 NEW PARAGRAPH. x. For midwifery, a total of seven members,
5 four members who are professional midwives eligible for
6 licensure under chapter 148I; one member who is licensed under
7 chapter 148, is certified by the American college of obstetrics
8 and gynecology, and has professional experience consulting for
9 and collaborating with direct-entry midwives; one member who is
10 a certified nurse midwife; and one member who is not a licensed
11 midwife or a licensed health care provider who has received
12 direct-entry midwifery services and who shall represent the
13 general public.

14 Sec. 4. Section 147.74, Code 2020, is amended by adding the
15 following new subsection:

16 NEW SUBSECTION. 28. A midwife licensed under chapter 148I
17 may use the words "licensed midwife" or the initials "L.M."
18 after the person's name.

19 Sec. 5. NEW SECTION. 148I.1 **Definitions.**

20 As used in this chapter, unless the context otherwise
21 requires:

22 1. "*Board*" means the board of midwifery created pursuant to
23 chapter 147.

24 2. "*Certified nurse midwife*" or "*CNM*" means a registered
25 nurse who holds a current, valid certification from the
26 American midwifery certification board.

27 3. "*Certified professional midwife*" or "*CPM*" means a person
28 who holds a current, valid certification with the North
29 American registry of midwives or its successor organization.

30 4. "*Client*" means a person under the care of a midwife and
31 such person's fetus or newborn.

32 5. "*Licensed midwife*" means a person licensed under this
33 chapter to practice midwifery in Iowa.

34 6. "*Midwife*" means a person practicing midwifery.

35 7. "*Midwifery*" means the practice of providing primary

1 maternity care to a client during the preconception,
2 antepartum, intrapartum, and postpartum periods and newborn
3 care up to six weeks.

4 8. *"Midwifery bridge certificate"* or *"MBC"* means a
5 certificate issued by the North American registry of midwives
6 or its successor organization that documents completion of
7 accredited continuing education for certified professional
8 midwives based upon identified areas to address education
9 in emergency skills and other competencies set by the
10 international confederation of midwives.

11 Sec. 6. NEW SECTION. 148I.2 **Licensure — licensed**
12 **midwifery.**

13 1. Except as provided in section 148I.3, beginning July 1,
14 2021, every person practicing midwifery in this state shall be
15 licensed pursuant to this chapter. The board shall adopt rules
16 pursuant to chapters 17A, 147, and 272C establishing procedures
17 for the licensure of new and practicing midwives.

18 2. Prior to obtaining a license to practice midwifery, an
19 applicant shall meet all of the following requirements:

20 a. Be at least twenty-one years old.

21 b. Submit proof of a high school diploma or its equivalent.

22 c. Submit proof of a current national certification as a
23 certified professional midwife from the North American registry
24 of midwives or its successor organization.

25 d. Submit proof of completion of an educational program or
26 pathway accredited by the midwifery education accreditation
27 council, except as provided in section 148I.4.

28 e. Submit an application fee as prescribed by the board by
29 rule.

30 3. The board may request, at the applicant's expense, that
31 the department of public safety perform a criminal history
32 check and the department of human services perform child and
33 dependent adult abuse record checks of the applicant. If an
34 applicant has a criminal record or a record of founded child or
35 dependent adult abuse, the board shall perform an evaluation to

1 determine whether the record warrants denial of licensure.

2 Sec. 7. NEW SECTION. 148I.3 **Exceptions.**

3 1. This chapter does not do any of the following:

4 a. Limit or regulate the practice of qualified members of
5 other professions including but not limited to individuals
6 licensed under chapter 148 or 152 from providing services that
7 would constitute midwifery under this chapter.

8 b. Apply to a person who is a member of a Native American or
9 Amish community who provides traditional midwife services to
10 such a community.

11 c. Apply to a person who, in good faith, engages in the
12 practice of the religious tenets of a church or a religious act
13 if no fee is contemplated, charged, or received.

14 d. Apply to a person rendering aid in an emergency.

15 e. Apply to a student midwife currently enrolled in an
16 accredited midwifery education program and providing services
17 to clients under the direct, on-site, in-person supervision of
18 a certified professional midwife who is licensed and registered
19 as a preceptor with the North American registry of midwives or
20 its successor organization.

21 2. The practice of midwifery shall not constitute the
22 practice of medicine, certified nurse midwifery, certified
23 midwifery, or emergency medical care to the extent that a
24 midwife advises, attends, or assists a person during pregnancy,
25 labor, childbirth, or the postpartum period.

26 Sec. 8. NEW SECTION. 148I.4 **Licensure — nonaccredited**
27 **educational program or pathway.**

28 1. A certified professional midwife certified before
29 January 1, 2020, and who received certification other than
30 through completion of an educational program or pathway
31 described in section 148I.2, subsection 2, paragraph “d”, shall
32 obtain a midwifery bridge certificate from the North American
33 registry of midwives or its successor organization in order to
34 obtain licensure in Iowa.

35 2. A person licensed to practice midwifery in a state

1 that does not require completion of an educational program or
2 pathway described in section 148I.2, subsection 2, paragraph
3 "d", shall obtain a midwifery bridge certificate from the North
4 American registry of midwives or its successor organization in
5 order to obtain licensure in Iowa.

6 3. This section is repealed effective January 1, 2021.

7 Sec. 9. NEW SECTION. 148I.5 Board — rules.

8 1. The board shall adopt rules consistent with this chapter
9 and chapter 147 which are necessary for the performance of the
10 board's duties. The rules shall do all of the following:

11 a. Regulate the practice of midwifery based on rules
12 established by the national association of certified
13 professional midwives and the North American registry of
14 midwives or its successor organization.

15 b. Define professional and unprofessional conduct.

16 c. Permit a licensee to obtain appropriate screening and
17 testing for clients, including but not limited to laboratory
18 tests and ultrasounds.

19 d. Permit a licensee to obtain and administer all of the
20 following during the practice of midwifery:

21 (1) Antihemorrhagic agents including but not limited to
22 oxytocin, misoprostol, and methylergonovine.

23 (2) Intravenous fluids for stabilization of the laboring
24 person.

25 (3) Neonatal injectable vitamin K.

26 (4) Newborn antibiotic eye prophylaxis.

27 (5) Oxygen.

28 (6) Intravenous antibiotics for group B streptococcal
29 antibiotic prophylaxis.

30 (7) Rho (D) immune globulin.

31 (8) Local anesthetic.

32 (9) Epinephrine.

33 (10) Other drugs consistent with the practice of certified
34 professional midwifery.

35 e. Permit a licensee to administer a drug prescribed by a

1 licensed health care provider for a client of a licensee.

2 *f.* Prohibit a licensee from using forceps or a vacuum
3 extractor.

4 *g.* Require a licensee to develop a written plan for the
5 consultation, collaboration, emergency transfer, and transport
6 of the birthing client and newborn when necessary, and to
7 submit that plan to the board.

8 *h.* Require a licensee to provide each client with, and
9 maintain a record of, a signed consent form that describes the
10 licensee's qualifications, a copy of the licensee's emergency
11 plan, whether the licensee carries professional liability
12 insurance, and the benefits and risks of birth in the client's
13 setting of choice.

14 *i.* Require a licensee to report client data to the midwives
15 alliance of North America statistics registry, the American
16 association of birth centers perinatal data registry, or other
17 similar databases, and to verify the submission of such data
18 with the board.

19 *j.* Adopt continuing education requirements consistent with
20 those required by the North American registry of midwives or
21 its successor organization.

22 *k.* Establish requirements for peer review.

23 *l.* Require a licensee to file a birth certificate for each
24 birth.

25 *m.* Establish an annual license fee.

26 2. The board shall not adopt rules that do any of the
27 following:

28 *a.* Permit a licensee to order or administer narcotic drugs.

29 *b.* Limit the location where a licensee may practice
30 midwifery.

31 *c.* Require a licensee to practice under the supervision of
32 or under a collaborative practice agreement with another health
33 care provider.

34 **Sec. 10. NEW SECTION. 148I.6 Liability — limitation.**

35 A health care provider accepting a transfer of a client from

1 a licensed midwife shall not be liable for outcomes arising
2 from actions of the licensed midwife.

3 Sec. 11. NEW SECTION. **148I.7 Use of title — penalty.**

4 A person shall not use the title "licensed midwife", or
5 describe or imply that the person is a licensed midwife, or
6 represent that person as a licensed midwife unless the person
7 is licensed under this chapter or is licensed as a nurse
8 midwife under chapter 152.

9 Sec. 12. Section 272C.1, subsection 6, Code 2020, is amended
10 by adding the following new paragraph:

11 NEW PARAGRAPH. *ah.* The board of midwifery, created pursuant
12 to chapter 147.

13 Sec. 13. Section 272C.4, subsection 6, Code 2020, is amended
14 to read as follows:

15 6. Define by rule acts or omissions that are grounds for
16 revocation or suspension of a license under [section 100D.5](#),
17 [105.22](#), [147.55](#), [148.6](#), [148B.7](#), [152.10](#), [153.34](#), [154A.24](#), [169.13](#),
18 [455B.219](#), [542.10](#), [542B.21](#), [543B.29](#), [544A.13](#), [544B.15](#), or
19 [602.3203](#) or [chapter 148I](#), [151](#), or [155](#), as applicable, and to
20 define by rule acts or omissions that constitute negligence,
21 careless acts, or omissions within the meaning of section
22 272C.3, subsection 2, paragraph "b", which licensees are
23 required to report to the board pursuant to section 272C.9,
24 subsection 2.

25 Sec. 14. NEW SECTION. **514C.12A Licensed midwife services.**

26 1. Notwithstanding section 514C.6, a person who provides
27 an individual or group policy of accident or health insurance
28 or individual or group hospital or health care service
29 contract issued pursuant to chapter 509, 509A, 514, or 514A
30 or an individual or group health maintenance organization
31 contract issued and regulated under chapter 514B, which is
32 delivered, amended, or renewed on or after July 1, 1996, and
33 which provides maternity benefits, which are not limited to
34 complications of pregnancy, or newborn care benefits, shall
35 provide coverage for maternity services rendered by a midwife

1 licensed pursuant to chapter 148I, regardless of the site of
2 services, in accordance with guidelines adopted by rule by the
3 commissioner.

4 2. Coverage for maternity services provided by a licensed
5 midwife shall not be subject to any greater copayment,
6 deductible, or coinsurance than is applicable to any other
7 similar benefits provided by the plan.

8 3. A person who provides an individual or group policy of
9 accident or health insurance or individual or group hospital or
10 health care service contract issued pursuant to chapter 509,
11 509A, 514, or 514A or an individual or group health maintenance
12 organization contract issued and regulated under chapter 514B
13 may require that maternity services be provided by a licensed
14 midwife under contract with the person.

15 Sec. 15. INITIAL APPOINTMENTS.

16 1. Notwithstanding any provision to the contrary in this
17 Act, the initial midwife appointees to the board of midwifery
18 created pursuant to this Act shall fulfill the national
19 certification requirements of the North American registry of
20 midwives or its successor organization.

21 2. One of the initial midwife appointments to the board
22 shall be appointed for a one-year term, one shall be appointed
23 for a two-year term, one shall be appointed for a three-year
24 term, and one shall be appointed for a four-year term. The
25 member who is licensed under chapter 148 shall be appointed for
26 a two-year term, the member representing the general public
27 shall be appointed to a three-year term, and the member who is
28 a certified nurse midwife shall be appointed to a four-year
29 term.

30

EXPLANATION

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

33 This bill relates to the practice of midwifery in Iowa.

34 The bill requires a person practicing midwifery in Iowa
35 to obtain a license to practice beginning July 1, 2021. The

1 bill exempts from regulation health care providers providing
2 services consistent with midwifery, members of Native American
3 tribes or Amish communities providing traditional midwife
4 services, persons who gratuitously engage in the practice of
5 the religious tenets of a church or a religious act, student
6 midwives, and persons rendering emergency aid. Prior to
7 obtaining a midwifery license, a person must be at least
8 21 years of age, submit proof of a high school diploma or
9 equivalent, submit a fee, submit proof of having completed an
10 educational program or pathway, and hold a current certified
11 professional midwife certificate from the North American
12 registry of midwives. The bill prohibits any person other than
13 a licensed midwife from using the title "licensed midwife".
14 The bill provides an alternative means to completion of an
15 educational program or pathway for persons who received a
16 certified professional midwife certification prior to January
17 1, 2020, or who received a license from a state that does
18 not require completion of an educational program or pathway.
19 This alternative means of qualification is repealed effective
20 January 1, 2021.

21 The bill creates the board of midwifery to regulate the
22 practice of midwifery in Iowa and makes conforming changes to
23 Code chapters 147 and 272C. The bill requires the board to
24 adopt certain rules for the practice of midwifery and prohibits
25 the board from adopting rules allowing a licensed midwife to
26 order or administer narcotics, limiting the locations where
27 a midwife may practice, or requiring a midwife to practice
28 under a collaborative practice agreement with another health
29 care provider. The bill provides certain requirements for
30 membership on the board of midwifery.

31 The bill limits the liability of a health care provider
32 accepting a transfer of clients from a licensed midwife with
33 respect to outcomes that are the result of actions of the
34 midwife. The bill also requires insurance providers that
35 provide maternity benefits to cover maternity services provided

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1 by licensed midwives on the same terms as for similar benefits
2 provided by other providers.