House Study Bill 123 - 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:

Section 1. Section 147.1, subsections 3 and 6, Code 2021, are amended to read as follows:

3. *"Licensed"* or *"certified"*, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, genetic counselor, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, behavior analyst, assistant behavior analyst, marital and family therapist, mental health counselor, midwife, respiratory care and polysomnography practitioner, polysomnographic technologist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid specialist, or sign language interpreter or transliterator means a person licensed under this subtitle.

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

Sec. 2. Section 147.13, Code 2021, is amended by adding the following new subsection:

1 NEW SUBSECTION. 25. For midwifery, the board of midwifery.
2 Sec. 3. Section 147.14, subsection 1, Code 2021, 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
9 for and collaborating with direct-entry midwives; one member
10 who is a 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 2021, 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

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

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

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

1. Except as provided in section 148I.3, beginning July 1, 2022, every person practicing midwifery in this state shall be licensed pursuant to this chapter. The board shall adopt rules pursuant to chapters 17A, 147, and 272C establishing procedures for the licensure of new and practicing midwives.

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

a. Be at least twenty-one years old.

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

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

d. (1) Submit proof of completion of an educational program or pathway accredited by the midwifery education accreditation council, except as otherwise provided in this paragraph.

(2) A certified professional midwife certified before January 1, 2021, and who received certification other than through completion of an educational program or pathway described in subparagraph (1) shall obtain a midwifery bridge certificate from the North American registry of midwives or its successor organization in order to obtain licensure in Iowa.

(3) A person licensed to practice midwifery in a state that does not require completion of an educational program or

pathway described in subparagraph (1), shall obtain a midwifery bridge certificate from the North American registry of midwives or its successor organization in order to obtain licensure in Iowa.

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

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

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

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

a. Limit or regulate the practice of qualified members of other professions including but not limited to advanced registered nurse practitioner midwives under chapter 152, advanced practice registered nurse midwives under chapter 152E, or certified nurse midwives, from providing services that would constitute midwifery under this chapter.

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

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

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

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

f. Apply to an advanced registered nurse practitioner

1 licensed under chapter 152, an advanced practice registered
2 nurse under chapter 152E, or a certified nurse midwife.
3 2. The practice of midwifery shall not constitute the
4 practice of medicine, certified nurse midwifery, certified
5 midwifery, or emergency medical care to the extent that a
6 midwife advises, attends, or assists a person during pregnancy,
7 labor, childbirth, or the postpartum period.
8 Sec. 8. NEW SECTION. **148I.4 Board — rules.**
9 1. The board shall adopt rules consistent with this chapter
10 and chapter 147 which are necessary for the performance of the
11 board's duties. The rules shall do all of the following:
12 *a.* Regulate the practice of midwifery based on rules
13 established by the national association of certified
14 professional midwives and the North American registry of
15 midwives or its successor organization.
16 *b.* Define professional and unprofessional conduct.
17 *c.* Permit a licensee to obtain appropriate screening and
18 testing for clients, including but not limited to laboratory
19 tests and ultrasounds.
20 *d.* Permit a licensee to obtain and administer all of the
21 following during the practice of midwifery:
22 (1) Antihemorrhagic agents including but not limited to
23 oxytocin, misoprostol, and methylergonovine.
24 (2) Intravenous fluids for stabilization of the laboring
25 person.
26 (3) Neonatal injectable vitamin K.
27 (4) Newborn antibiotic eye prophylaxis.
28 (5) Oxygen.
29 (6) Intravenous antibiotics for group B streptococcal
30 antibiotic prophylaxis.
31 (7) Rho (D) immune globulin.
32 (8) Local anesthetic.
33 (9) Epinephrine.
34 (10) Other drugs consistent with the practice of certified
35 professional midwifery.

1 *e.* Permit a licensee to administer a drug prescribed by a
2 licensed health care provider for a client of a licensee.
3 *f.* Prohibit a licensee from using forceps or a vacuum
4 extractor.
5 *g.* Require a licensee to develop a written plan for the
6 consultation, collaboration, emergency transfer, and transport
7 of the birthing client and newborn when necessary, and to
8 submit that plan to the board.
9 *h.* Require a licensee to provide each client with, and
10 maintain a record of, a signed consent form that describes the
11 licensee's qualifications, a copy of the licensee's emergency
12 plan, whether the licensee carries professional liability
13 insurance, and the benefits and risks of birth in the client's
14 setting of choice.
15 *i.* Require a licensee to report client data to the midwives
16 alliance of North America statistics registry, the American
17 association of birth centers perinatal data registry, or other
18 similar databases, and to verify the submission of such data
19 with the board.
20 *j.* Adopt continuing education requirements consistent with
21 those required by the North American registry of midwives or
22 its successor organization.
23 *k.* Establish requirements for peer review.
24 *l.* Require a licensee to file a birth certificate for each
25 birth.
26 *m.* Establish an annual license fee.
27 *n.* Require a licensee to comply with sections 136A.5 and
28 136A.5A.
29 2. The board shall not adopt rules that do any of the
30 following:
31 *a.* Permit a licensee to order or administer narcotic drugs.
32 *b.* Limit the location where a licensee may practice
33 midwifery.
34 *c.* Require a licensee to practice under the supervision of
35 or under a collaborative practice agreement with another health

1 care provider.
2 Sec. 9. NEW SECTION. **148I.5 Liability — limitation.**
3 A health care provider accepting a transfer of a client from
4 a licensed midwife shall not be liable for outcomes arising
5 from actions of the licensed midwife.
6 Sec. 10. NEW SECTION. **148I.6 Use of title — penalty.**
7 A person shall not use the title "licensed midwife", or
8 describe or imply that the person is a licensed midwife, or
9 represent that person as a licensed midwife unless the person
10 is licensed under this chapter.
11 Sec. 11. Section 272C.1, subsection 6, Code 2021, is amended
12 by adding the following new paragraph:
13 NEW PARAGRAPH. *ah.* The board of midwifery, created pursuant
14 to chapter 147.
15 Sec. 12. Section 272C.4, subsection 6, Code 2021, is amended
16 to read as follows:
17 6. Define by rule acts or omissions that are grounds for
18 revocation or suspension of a license under section 100D.5,
19 105.22, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
20 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or
21 602.3203 or chapter 148I, 151, or 155, as applicable, and to
22 define by rule acts or omissions that constitute negligence,
23 careless acts, or omissions within the meaning of section
24 272C.3, subsection 2, paragraph *"b"*, which licensees are
25 required to report to the board pursuant to section 272C.9,
26 subsection 2.
27 Sec. 13. NEW SECTION. **514C.12A Licensed midwife services.**
28 1. Notwithstanding section 514C.6, a person who provides
29 an individual or group policy of accident or health insurance
30 or individual or group hospital or health care service
31 contract issued pursuant to chapter 509, 509A, 514, or 514A
32 or an individual or group health maintenance organization
33 contract issued and regulated under chapter 514B, which is
34 delivered, amended, or renewed on or after July 1, 1996, and
35 which provides maternity benefits, which are not limited to

complications of pregnancy, or newborn care benefits, shall provide coverage for maternity services rendered by a midwife licensed pursuant to chapter 148I, regardless of the site of services, in accordance with guidelines adopted by rule by the commissioner.

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

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

Sec. 14. INITIAL APPOINTMENTS.

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

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

EXPLANATION

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

This bill relates to the practice of midwifery in Iowa.

The bill requires a person practicing midwifery in Iowa to obtain a license to practice beginning July 1, 2022. The bill exempts from regulation health care providers providing services consistent with midwifery, members of Native American tribes or Amish communities providing traditional midwife services, persons who gratuitously engage in the practice of the religious tenets of a church or a religious act, student midwives, and persons rendering emergency aid. Prior to obtaining a midwifery license, a person must be at least 21 years of age, submit proof of a high school diploma or equivalent, submit a fee, submit proof of having completed an educational program or pathway, and hold a current certified professional midwife certificate from the North American registry of midwives. The bill prohibits any person other than a licensed midwife from using the title "licensed midwife". The bill provides an alternative means to completion of an educational program or pathway for persons who received a certified professional midwife certification prior to January 1, 2021, or who received a license from a state that does not require completion of an educational program or pathway.

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

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

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