



Alaska State Legislature
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Alaska State Capitol, Room 415
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House Bill No. 175

Sectional Analysis

“An Act relating to midwives and the practice of midwifery; relating to apprentice midwives; renaming the Board of Certified Direct-Entry Midwives as the Board of Licensed Midwives; relating to the Board of Licensed Midwives; extending the termination date of the Board of Licensed Midwives; relating to insurance; and providing for an effective date.”

Section 1

This section amends the uncodified law of the State of Alaska by adding a new paragraph with legislative intent.

Section 2 AS 08.01.010(17)

This section changes the name of the board responsible for regulating midwives to Board of Licensed Midwives.

Section 3 AS 08.02.110(a)

This section replaces “direct-entry midwife certified” with “a midwife licensed” to the statute that requires the use of letters or titles for certain healthcare professionals.

Section 4 AS 08.02.130(j)

This section adds conforming language to the definition of health care provider to include a licensed midwife and removes the words “direct entry.”

Section 5 AS 08.03.010(c)(8)

This section extends the sunset of the Board of Licensed Midwives to June 30, 2027.

Section 6 AS 08.64.370

This section changes “certified as a direct-entry midwife by the department to under AS 08.65 “a licensed midwife under AS 08.65”.

Section 7 AS 08.65.010(b)

This section replaces “certified direct-entry” to “licensed”.

Section 8 AS 08.65.010(b)

This section changes the number of board members appointed by the governor and confirmed by the legislature from four to five, requiring four of them to be licensed midwives and one public member. The section removes the requirement for a board

member to be one physician who has an obstetrical practice or specialized training in obstetrics, and one certified nurse midwife licensed by the board of nursing.

Section 9 AS 08.65.030

This section removes some duties of the board to directly examine or certify applicants or be involved in approving education programs and replaces them with adoption of regulations in accordance with national licensing requirements and review of applications for licenses to determine if applicants satisfy the requirements.

Section 10 AS 08.65.030

This section adds a new subsection (c):

(c) The board may not adopt a regulation that;

- (1) requires a person to have a nursing degree or diploma to be licensed as a midwife under this law;
- (2) requires a licensed midwife to practice under the supervision of, or in collaboration with, another health care provider or a health care facility;
- (3) Requires a licensed midwife to enter into an agreement, whether written, oral, or in another form, with another health care provider or a health care facility;
- (4) limits the location where a licensed midwife may practice midwifery;
- (5) restricts or limits educational pathways to becoming a licensed midwife.

This section also points to definitions of “health care facility” in AS 18.35.399, and “health care provider” in AS 09.65.300.

Section 11 AS 08.65.050

This section adds a requirement for the board to issue a license to practice midwifery to a person who holds a valid certified professional midwife certificate, if the certificate is issued by a nationally recognized midwife organization recognized by the board, evidence that they have completed a midwifery study and supervised clinical experience for two years and successfully completes the national midwifery examination required by the board.

Section 12 AS 08.65.080

This section adds language to the qualifications for a license renewal, to require providing evidence to the board that the licensed midwife holds a valid certified professional midwife certificate issued by a nationally recognized midwife organization.

Section 13 AS 08.65.080

This section adds a new subsection:

- (b) If a person currently holds a valid license to practice midwifery under AS 08.65.050 on September 1, 2023, and they held a certificate to practice midwifery

under AS 08.65.050 or 08.65.070 on August 31, 2023, they can renew their license under the requirements that were in place on August 31, 2023.

Section 14 AS 08.65.090

This section adds conforming language to the statute that allows the board to issue a permit to practice as an apprentice midwife.

Section 15 AS 08.65.110

This section adds conforming language to the grounds for discipline, suspension, or revocation of certification.

Section 16 AS 08.65.120

This section adds conforming language to the powers of the board to revoke, suspend, censure, issue a letter of reprimand, place the person on probationary status, limit practice, and continued professional education, if the person is guilty of an offense under AS 08.65.110.

Section 17 AS 08.65.120

This section adds conforming language for the reinstatement of a license.

Section 18 AS 08.65.140

This section adds conforming language to the required practices for midwives, removes the requirement to recommend that the client undergo a physical examination performed by a physician, physician assistant, or advanced practice registered nurse before care or delivery. It also removes the requirement of not knowingly deliver a woman with certain types of health conditions, prior history, or complications as specified by the board.

Section 19 AS 08.65.140

This section adds new subsections:

(b) states that a licensed midwife can practice midwifery without:

1. Being supervised by or collaborating with another healthcare provider or facility.
2. Entering into a written or other form of agreement with another healthcare provider or facility.

(c) says that the board (the regulatory authority) will create regulations stating that a licensed midwife can practice to the full scope of practice allowed by their national midwifery certificate.

Section 20 AS 08.65.150

This section adds conforming language.

Section 21 AS 08.65.160

This section adds conforming language and the required designation used.

Section 22 AS 08.65.170

This section excludes certain individuals who are licensed as:

1. Physicians in the state.
2. Advanced practice registered nurses who are certified nurse midwives by the Board of Nursing in the state.

Section 23 AS 08.65.180

This section adds conforming language.

Section 24 AS 08.65.190(1)

This section adds conforming language.

Section 25 AS 08.65.190(3)

This section amends the definition of "practice of midwifery", increases the well-baby care for the infant from four to six weeks, adds provision of preconception care, and clarifies that this includes the first postpartum year.

Section 26 AS 08.65.190

This section adds new paragraphs to read:

4. "Licensed midwife" refers to a midwife who has obtained a license under this law to practice midwifery.
5. "Midwife" refers to a person who practices midwifery.
6. "Preconception care" means healthcare provided to identify and treat a person's biomedical, behavioral, and social risk factors to maximize their health for conception and pregnancy during their reproductive years. It aims to improve pregnancy outcomes by addressing potential issues before getting pregnant.

Section 27 AS 09.65.300(c)(1)

This section adds conforming language.

Section 28 AS 11.41.470(1)

This section adds conforming language.

Section 29 AS 18.20.095(e)(2)

This section adds conforming language.

Section 30 AS 18.50.165(b)

This section adds conforming language.

Section 31 AS 21.36.090(d)

This section adds conforming language.

Section 32 AS 21.42.347(d)

This section adds a new subsection:

(d) "home birth" means an elective, planned delivery of a child in the home setting.

Section 33 AS 21.42.347

This section amends to add a new subsection:

(e) A health care insurer who provides coverage for the costs of childbirth shall provide coverage for the costs of home birth services, including prenatal care, delivery, and postpartum care of both mother and infant, provided by a licensed midwife who is acting within the scope of the practice of midwifery under AS 08.65

Section 34 AS 21.42.355

This section adds new subsections:

(c) If a health care insurance plan or an excepted benefits policy or contract provides indemnity for the cost of services of a physician provided to women for preconception care, pregnancy, childbirth, and the period after childbirth up to one year, indemnity in a reasonable amount shall also be provided for the cost of a midwife licensed under AS 08.65 who provides the same services. Indemnity may be provided under this subsection only if the licensed midwife is practicing as a licensed midwife within the scope of the license.

(d) If a health care insurance plan or an excepted benefits policy or contract provides for furnishing those services required of a physician in the care of women for preconception care, pregnancy, childbirth, and the period after childbirth up to one year, the contract shall also provide that a midwife licensed under AS 08.65 may furnish those same services instead of a physician. Services may be provided under this subsection only if the licensed midwife is practicing as a licensed midwife in accordance with the regulations adopted under AS 08.65.030(a)(7), and the services provided are within the scope of practice of the license.

Section 35 AS 21.42.599

This section adds a new paragraph:

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9. "preconception care" has the meaning given in AS 08.65. 190..

Section 36 AS 21.84.335(b)(15)

This section adds conforming language.

Section 37 AS 25.20.055(a)

This section adds conforming language.

Section 38 AS 25.20.055(b)

This section adds conforming language.

Section 39 AS 44.62.330(a)(36)

This section adds conforming language.

Section 40 AS 47.07.900(13)

This section adds conforming language.

Section 41 AS 47.20.320(d)

This section adds conforming language.

Section 42

This section repeals AS 08.65.080, 08.65.070 and 08.65.090(b)

Section 43

This section amends the uncodified law of the State of Alaska by adding a new section establishing a transition period for the Board of Certified Direct-Entry Midwives to operate as the Board of Licensed Midwives until new members are appointed.

Section 44

This section amends the uncodified law of the State of Alaska by adding a new section establishing a transition period for new board members.

Section 45

This section amends the uncodified law of the State of Alaska by adding a new section establishing a transition period for current direct-entry midwives, midwives licensed by credentials, and apprentice midwives.

Section 46

This section amends the uncodified law of the State of Alaska by adding a new section allowing the board to adopt regulations to implement the changes made by the Act.

Section 47

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This section amends the uncodified law of the State of Alaska by adding a new section to read: RETROACTIVITY. Section 5 of this Act is retroactive to June 30, 2023.

Section 48

This section sets an effective date for Section 47

Section 49

This section sets an effective date for Section 5

Section 50:

This section sets an effective date for the rest of the Act.