

Introduced: 4/27/81
Referred: Health, Education &
Social Services

1 IN THE HOUSE BY ROGERS AND VASKA

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 11

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to midwifery."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. FINDINGS AND INTENT. The legislature recognizes the unique
9 physical and emotional aspects of childbirth, and the need to protect and
10 enhance the religious, cultural, and individual freedoms in the manner,
11 setting, and cost of childbirth. The legislature finds that the traditional
12 and cultural use of midwives continues and that the demand for midwifery
13 service is increasing in Alaska without adequate regulation and licensure.
14 Therefore, the legislature intends that midwifery be regulated in the public
15 interest to assure that users of midwifery services are aware of the com-
16 petency levels of their health care providers, and that licensing of mid-
17 wives does not remove from the parents the responsibility for choosing
18 where, when, how, and with whom to deliver their babies.

19 * Sec. 2. AS 08 is amended by adding a new chapter to read:

20 CHAPTER 69. MIDWIFERY.

21 Sec. 08.69.010. LICENSED MIDWIFE PRACTICE. A person who practices
22 as a licensed midwife shall obtain a license granted by the Department
23 of Commerce and Economic Development as provided in this chapter and
24 shall practice midwifery in accordance with this chapter.

25 Sec. 08.69.020. UNLAWFUL REPRESENTATION. It is unlawful for a
26 person to represent oneself as a licensed midwife unless the person is
27 currently licensed under this chapter.

28 Sec. 08.69.030. DUTIES OF THE DEPARTMENT. The department shall
29 (1) license persons to practice midwifery;

(2) prepare and administer examinations which test competence in midwifery;

(3) prescribe a biennial license fee for licensed midwives not to exceed \$25;

(4) develop, publish, and make available to interested parties at a reasonable cost, a bibliography and guide to the examination administered to applicants;

(5) require the compliance of licensed midwives with vital statistic recording requirements;

(6) require licensed midwives to maintain statistics relating to births they attend.

Sec. 08.69.040. LICENSURE AS A MIDWIFE. A person is eligible for licensure as a midwife if that person

(1) is at least 18 years of age;

(2) furnishes proof of having received a high school degree or its equivalent;

(3) furnishes proof of having attended at least 20 births as a midwife in the two-year period immediately preceding the date of application or has completed a midwife apprenticeship; proof is by affidavit of the applicant for births which occurred before January 1, 1982;

(4) passes an examination administered by the department meeting the requirements of AS 08.69.060;

(5) pays the license fee prescribed in this chapter.

Sec. 08.69.050. LICENSURE BY ENDORSEMENT. A person who is licensed as a midwife by another state may be licensed as a midwife if the requirements for that license are essentially the same as the requirements for licensure under AS 08.69.040.

Sec. 08.69.060. EXAMINATION OF APPLICANTS. (a) The examination

1 for licensure as a midwife shall be administered at times and locations
2 selected by the department.

3 (b) The examination shall be in written form.

4 (c) Subjects examined by the examination shall include, and are
5 limited to,

- 6 (1) anatomy of the pelvis and female genital organs;
- 7 (2) physiology of the female genital organs;
- 8 (3) recognition and management of pregnancy;
- 9 (4) understanding fetal presentations and positions;
- 10 (5) mechanisms and management of normal labor;
- 11 (6) management of puerperium;
- 12 (7) injuries to the genital organs following labor;
- 13 (8) sepsis and antisepsis in relation to labor;
- 14 (9) preparation and management of the delivery site and
15 lying-in area;
- 16 (10) hygiene of mother and infant;
- 17 (11) asphyxiation, convulsions, malformation, and infectious
18 diseases of the newborn;
- 19 (12) causes, effects, and prevention of ophthalmia neonatorum;
- 20 (13) emergency occurrences requiring the attention of a
21 physician;
- 22 (14) requirements of vital statistics law relating to report-
23 ing of births and infectious diseases of the newborn;
- 24 (15) the pharmacology of drugs used in emergency maternity
25 care for both mother and infant following childbirth;
- 26 (16) nutrition as it relates to the prenatal, partal and
27 postpartum period;
- 28 (17) management of breast feeding;
- 29 (18) knowledge of the bonding process and family interrela-

tionships;

(19) knowledge of conscious control techniques for labor management.

Sec. 08.69.070. RENEWAL OF LICENSES. (a) A midwife's license is renewable biennially on June 30.

(b) Notice of renewal will be mailed to every currently licensed midwife on or before May 1 of each even-numbered year.

(c) A license not renewed by June 30 will lapse on July 1 or be placed on the inactive list at the request of the licensee.

(d) A lapsed license will be reinstated within 90 days of lapse upon receipt of payment of the license renewal fee and satisfaction of other renewal requirements.

(e) The department shall establish requirements which must be met before a license may be renewed, which must include a requirement that an applicant for renewal has attended 20 births in the previous two years or has completed 20 hours of continuing education. Continuing education may include childbirth-related postsecondary coursework, workshops, or practice in association with another midwife, or any combination of training and experience or a combination of experience and continuing education.

Sec. 08.69.080. DISCIPLINE, DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE. (a) The department may revoke or suspend the license of a midwife, or the licensee may be reprimanded, censured, or disciplined if the board finds after a hearing that

(1) the midwife has obtained or attempted to obtain a license under this chapter by fraud or deceit;

(2) the licensed midwife has wilfully violated a provision of this chapter; or

(3) the licensed midwife has engaged in unprofessional

1 conduct.

2 (b) The department shall afford a midwife whose license has been
3 denied or revoked the opportunity to have the license reinstated by
4 demonstrating ability to resume the competent practice of midwifery
5 with reasonable skill and safety.

6 Sec. 08.69.090. SCOPE OF PRACTICE. (a) A midwife licensed under
7 this chapter may perform functions within the scope of practice. The
8 scope of practice for licensed midwives includes

- 9 (1) recognition of pregnancy and management of prenatal
10 care;
- 11 (2) preparation and management of the delivery site and
12 lying-in area;
- 13 (3) management of the birth process and delivery of the
14 infant;
- 15 (4) clamping and severing the umbilical cord;
- 16 (5) delivery of the placenta, with anti-hemorrhage tech-
17 niques;
- 18 (6) recognition of an emergency labor or delivery situation
19 involving the mother or infant;
- 20 (7) emergency procedures for asphyxiation, convulsions,
21 malformation, and infectious diseases of the newborn;
- 22 (8) administration of preventive prophylaxis for ophthalmia
23 neonatorum;
- 24 (9) postnatal care of mother and infant;
- 25 (10) suturing;
- 26 (11) routine laboratory investigation for normal prenatal
27 care.

28 (b) In a medical emergency the scope of practice, to the extent
29 needed for the emergency includes

- 1 (1) intramuscular injections for maternal hemorrhage;
2 (2) penetration of human tissue for emergency episiotomy,
3 repair, and severing the umbilical cord;
4 (3) oxygen use.

5 (c) The department shall designate the medications, therapeutic
6 agents, and techniques which a licensed midwife is authorized to admin-
7 ister and the circumstances under which those medications, therapeutic
8 agents, and techniques may be administered.

9 Sec. 08.69.100. INFORMED CONSENT FORM. (a) The department shall
10 develop an informed consent form which the licensed midwife shall
11 provide for clients at their initial meeting. The form will describe
12 the licensed midwife's

- 13 (1) philosophy of practice;
14 (2) education and training;
15 (3) experience;
16 (4) services and fees;
17 (5) procedures for meeting medical emergencies.

18 (b) The licensed midwife shall inform the client that the statis-
19 tical information required by AS 08.69.110 is maintained by the licensed
20 midwife and is available for inspection.

21 Sec. 08.69.110. STATISTICS. (a) The department shall determine
22 the information concerning the practice of midwifery which must be
23 collected and retained. This information is subject to audit by the
24 department. The information is required to be retained in statistical
25 form and shall include

- 26 (1) infections;
27 (2) hemorrhage;
28 (3) hospital transfers;
29 (4) malpresentations;

- 1 (5) normal deliveries;
2 (6) absence of physical examinations performed by a physi-
3 cian and the reason examinations were not performed.

4 (b) The statistical information required shall be filed with the
5 department every six months on a form prescribed by the department.

6 Sec. 08.69.120. MEDICAL HISTORIES. (a) The department shall
7 require licensed midwives to maintain a comprehensive medical and
8 obstetrical history of each client. The history shall include

- 9 (1) the mother's name and address;
10 (2) the mother's date of birth;
11 (3) the mother's gravidity and parity;
12 (4) progress in pregnancy, including routine laboratory
13 investigation;
14 (5) progress of mother and infant in labor and delivery;
15 (6) characteristics of placental delivery and cessation of
16 bleeding of mother;
17 (7) APGAR administered to infant;
18 (8) immediate postpartum progress of mother and infant;
19 (9) general health of mother and infant at the time the
20 midwife services terminate;
21 (10) other information required by the department.

22 Sec. 08.69.130. PRACTICE OF A LICENSED MIDWIFE. A person licensed
23 as a midwife under this chapter must

- 24 (1) ensure that if reasonably possible before the onset of
25 labor the mother has received a general physical examination by a
26 physician;
27 (2) recommend that the mother be transferred to the care of
28 a physician if a medical emergency is indicated.

29 Sec. 08.69.140. POSSESSION OF DRUGS. A licensed midwife may

possess and administer in accordance with a prescription from a consulting physician agents used to stop maternal hemorrhage, oxygen, and antibiotic eye drops.

Sec. 08.69.150. MIDWIFE APPRENTICESHIP. (a) A person may complete a midwifery apprenticeship by observing and assisting in the management and care of the mother and infant in at least 50 births. In the course of 25 of those births, the apprentice must assume primary responsibility, under the supervision and observation of the sponsor, for the prenatal, intrapartal, and postpartal management and care of the mother and child. A person undertaking a midwifery apprenticeship shall register with the department at the beginning of the apprenticeship.

(b) A midwife apprenticeship must be under the immediate supervision of a sponsor. A sponsor may not supervise more than three apprentice midwives simultaneously. The sponsor shall secure the compliance of the apprentice midwife with this chapter.

Sec. 08.69.160. DEFINITIONS. In this chapter

(1) "department" means the Department of Commerce and Economic Development;

(2) "medical emergency" means a situation of a serious nature which develops suddenly and unexpectedly and demands immediate action during pregnancy, labor or delivery;

(3) "normal childbirth" means a normal physiological state of health in which the expectant mother is in a stable condition without disease or complications;

(4) "sponsor" means a physician or a midwife licensed to practice in this state;

(5) "unprofessional conduct" includes the habitual overuse of alcoholic beverages or depressant, hallucinogenic or stimulant



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29

drugs, as defined in AS 17.12.150(3), or addiction to the use of narcotic drugs as defined in AS 17.12.230(13).