

Original sponsors: Rogers and Vaska

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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 11 (HESS)

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 or use any designation  
27 that implies that the person is licensed or certified by the state to  
28 act as a midwife unless the person is currently licensed under this  
29 chapter. A violation of the provisions of this section is a violation

1 as described in AS 11.81.250(a)(6).

2 Sec. 08.69.030. DUTIES OF THE DEPARTMENT. The department shall

3 (1) license persons to practice midwifery;

4 (2) prepare and administer examinations which test compe-  
5 tence in midwifery;

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

8 (4) develop, publish, and make available to interested  
9 parties at a reasonable cost, a bibliography and guide to the examina-  
10 tion administered to applicants;

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

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

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

17 (1) is at least 18 years of age;

18 (2) furnishes proof of having attended at least 30 births as  
19 a midwife in the two-year period immediately preceding the date of  
20 application or has completed a midwife apprenticeship under AS 08.69.-  
21 150; proof is by affidavit of the applicant for births which occurred  
22 before January 1, 1982;

23 (3) passes an examination administered by the department  
24 meeting the requirements of AS 08.69.060;

25 (4) pays the license fee prescribed in this chapter.

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

1           **Sec. 08.69.060. EXAMINATION OF APPLICANTS.** (a) The examination  
2 for licensure as a midwife shall be administered at times and locations  
3 selected by the department.

4           (b) 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-

1 tionships;

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

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

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

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

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

13 (e) The department shall establish requirements which must be met  
14 before a license may be renewed, which must include a requirement that  
15 an applicant for renewal has attended 20 births in the previous two  
16 years and has completed 20 hours of continuing education. Continuing  
17 education shall include childbirth-related postsecondary coursework,  
18 workshops, or any combination of training and experience or a combina-  
19 tion of experience and continuing education.

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

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

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

28 (3) the licensed midwife has engaged in unprofessional  
29 conduct; or

1 (4) the licensed midwife has engaged in intentional or  
2 negligent conduct that results in a significant risk to the health or  
3 safety of a client or that results in injury to a client.

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

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

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

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

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

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

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

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

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

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

- 28 (1) infections;  
29 (2) hemorrhage;

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

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

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

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

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

- 26 (1) ensure that if reasonably possible before the onset of  
27 labor the mother has received a general physical examination by a  
28 physician or a nurse midwife;  
29 (2) recommend that the mother be transferred to the care of

1 a physician if a medical emergency is indicated; and

2 (3) have transportation reasonably available during labor  
3 and delivery to transfer the mother to a hospital or physician if a  
4 medical emergency requires it.

5 Sec. 08.69.140. POSSESSION OF DRUGS. A licensed midwife may  
6 possess and administer in accordance with a prescription from a consult-  
7 ing physician agents used to stop maternal hemorrhage, oxygen, and  
8 antibiotic eye drops.

9 Sec. 08.69.150. MIDWIFE APPRENTICESHIP. (a) A person may com-  
10 plete a midwifery apprenticeship by observing and assisting in the  
11 management and care of the mother and infant in at least 30 births. In  
12 the course of 20 of those births, the apprentice must assume primary  
13 responsibility, under the supervision and observation of the sponsor,  
14 for the prenatal, intrapartal, and postpartal management and care of  
15 the mother and child. A person undertaking a midwifery apprenticeship  
16 shall register with the department at the beginning of the apprentice-  
17 ship.

18 (b) A midwife apprenticeship must be under the immediate super-  
19 vision of a sponsor. A sponsor may not supervise more than three  
20 apprentice midwives simultaneously. The sponsor shall secure the  
21 compliance of the apprentice midwife with this chapter.

22 Sec. 08.69.160. DEFINITIONS. In this chapter

23 (1) "department" means the Department of Commerce and Eco-  
24 nomic Development;

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

28 (3) "normal childbirth" means a normal physiological state  
29 of health in which the expectant mother is in a stable condition with-

1 out disease or complications;

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

4 (5) "unprofessional conduct" includes the habitual overuse  
5 of alcoholic beverages or depressant, hallucinogenic or stimulant  
6 drugs, as defined in AS 17.12.150(3), or addiction to the use of nar-  
7 cotic drugs as defined in AS 17.12.230(13).  
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