

Original sponsors: Rogers and Vaska

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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND 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 midwives
17 does not remove from the parents the responsibility for choosing where, when,
18 how, and with whom to deliver their babies.

19 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:
20 (24) Board of Midwifery.

21 * Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:
22 (21) Board of Midwifery (AS 08.69.030) -- June 30, 1987.

23 * Sec. 4. AS 08 is amended by adding a new chapter to read:

24 CHAPTER 69. MIDWIFERY.

25 Sec. 08.69.010. MIDWIFE PRACTICE. (a) A person who practices as
26 a licensed midwife shall obtain a license as provided in this chapter
27 and shall practice midwifery in accordance with this chapter.

28 (b) Nothing in this section prohibits the practice of midwifery in
29 the state without a license.

1 Sec. 08.69.020. UNLAWFUL REPRESENTATION. It is unlawful for a
2 person to represent oneself as a licensed midwife or use any designation
3 that implies that the person is licensed or certified by the state to
4 act as a midwife unless the person is currently licensed under this
5 chapter.

6 Sec. 08.69.030. MEMBERSHIP AND TERM OF OFFICE OF THE BOARD OF
7 MIDWIFERY. (a) There is established the Board of Midwifery consisting
8 of five members. One member shall be a physician licensed to practice
9 medicine in the state. Two members shall be licensed under this chapter
10 or eligible to receive licenses under AS 08.69.050(1) - (3). One member
11 shall be a person who has received or paid for the services of a midwife
12 licensed under this chapter or who has received or paid for the services
13 of a midwife eligible to receive a license under AS 08.69.050(1) - (3).
14 One member shall be selected by the governor.

15 (b) Members of the board are appointed by the governor after
16 consideration of recommendations submitted by childbirth consumer educa-
17 tion groups, persons who provide health care, or persons who have re-
18 ceived or paid for the services of a midwife. Each board member serves
19 for a term of five years and until his successor is appointed and quali-
20 fied. An appointment to a vacancy is for the unexpired term.

21 Sec. 08.69.040. DUTIES OF THE BOARD. The Board of Midwifery shall

- 22 (1) approve the licensure of persons to practice midwifery;
23 (2) prepare and administer a comprehensive examination that
24 tests competence in all aspects of the practice of midwifery;
25 (3) prescribe a biennial license fee for licensed midwives
26 not to exceed \$25;
27 (4) develop a bibliography and guide to the examination
28 administered to applicants and make it available at a reasonable cost;
29 (5) require the compliance of licensed midwives with vital

1 **statistic recording requirements;**

2 (6) require licensed midwives to maintain statistics relating
3 to births they attend;

4 (7) hold hearings and order disciplinary sanctions under
5 AS 08.69.100;

6 (8) adopt regulations necessary to carry out the purposes of
7 this chapter.

8 Sec. 08.69.050. LICENSURE AS A MIDWIFE. A person is eligible for
9 licensure as a midwife if that person

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

11 (2) furnishes proof of having received a high school degree
12 or its equivalent and of having completed two years of nursing training
13 or its equivalent;

14 (3) furnishes proof of having attended at least 20 births as
15 a midwife in the two-year period immediately preceding the date of
16 application or has completed a midwife apprenticeship under AS 08.69.-
17 170; proof is by affidavit of the applicant for births that occurred
18 before January 1, 1982;

19 (4) passes an examination administered by the board that
20 tests competence in midwifery;

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

22 Sec. 08.69.060. LICENSURE BY ENDORSEMENT. A person who is li-
23 censed as a midwife by another state or country may be licensed as a
24 midwife in this state without taking an examination if the requirements
25 for that license are essentially the same as the requirements for licen-
26 sure under AS 08.69.050.

27 Sec. 08.69.070. REEXAMINATION. A person who fails an examination
28 offered under AS 08.69.050(4) may take the examination again if

29 (1) the applicant presents proof satisfactory to the board of

1 having served as a midwife for at least 10 births while under the super-
2 vision of a sponsor during the year preceding application; and

3 (2) at least one year has passed following the date the
4 person last failed the examination.

5 Sec. 08.69.080. RENEWAL OF LICENSES. (a) A midwife's license is
6 renewable biennially on June 30. Notice of renewal shall be mailed to
7 every licensed midwife on or before May 1 of each even-numbered year.

8 (b) A license not renewed by June 30 lapses on July 1 unless the
9 licensee is granted inactive status under AS 08.69.090.

10 (c) A lapsed license shall be reinstated if the licensee complies
11 with renewal requirements within 90 days after the license lapses.

12 (d) The board shall establish requirements that must be met before
13 a license may be renewed, including a requirement that an applicant for
14 renewal has attended as sponsor or midwife during 10 births in the
15 previous two years and has completed 20 hours of continuing education.
16 Continuing education may include childbirth-related postsecondary course-
17 work, workshops, practice in association with another midwife, a combi-
18 nation of training and experience, or a combination of experience and
19 continuing education.

20 Sec. 08.69.090. INACTIVE STATUS. A midwife licensed under this
21 chapter may apply to the board for inactive status for a period not to
22 exceed two years. A midwife licensed under this chapter who is granted
23 inactive status is not required to comply with AS 08.69.080 until the
24 inactive status is terminated.

25 Sec. 08.69.100. DISCIPLINE, DENIAL, SUSPENSION, OR REVOCATION OF A
26 LICENSE. (a) The board may revoke or suspend the license of a midwife,
27 or the licensee may be reprimanded, censured, or disciplined if the
28 board finds after a hearing that the licensee has

29 (1) obtained or attempted to obtain a license under this

chapter by fraud or deceit;

(2) wilfully violated a provision of this chapter;

(3) engaged in unprofessional conduct; or

(4) engaged in intentional or negligent conduct that results in injury to a client or significant risk to the health or safety of a client.

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

Sec. 08.69.110. SCOPE OF PRACTICE. (a) A midwife licensed under this chapter may perform functions within the scope of practice. The scope of practice for licensed midwives includes

- (1) recognition of pregnancy and management of prenatal care;
- (2) preparation and management of the delivery site and lying-in area;
- (3) management of the birth process and delivery of the infant;
- (4) clamping and severing the umbilical cord;
- (5) delivery of the placenta, with anti-hemorrhage techniques;
- (6) recognition of an emergency labor or delivery situation involving the mother or infant;
- (7) emergency procedures for asphyxiation, convulsions, malformation, and infectious diseases of the newborn;
- (8) administration of preventive prophylaxis for ophthalmia neonatorum;
- (9) postnatal care of mother and infant;
- (10) suturing;

1 (11) routine laboratory investigation for normal prenatal
2 care.

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

- 5 (1) intramuscular injections for maternal hemorrhage;
6 (2) penetration of human tissue for emergency episiotomy;
7 (3) oxygen use.

8 (c) The board shall by regulation designate the medications,
9 therapeutic agents, and techniques that a licensed midwife is authorized
10 to administer and the circumstances under which those medications,
11 therapeutic agents, and techniques may be administered.

12 Sec. 08.69.120. INFORMED CONSENT FORM. (a) The board shall
13 develop an informed consent form that a licensed midwife shall provide
14 for clients at the initial meeting. The form shall contain notice that
15 injuries sustained during a home birth may not be covered by malpractice
16 insurance even if a midwife or physician is in attendance. The form
17 shall recommend a physical examination of the pregnant woman by a physi-
18 cian and inform clients of vital statistic reporting requirements. The
19 form shall also describe the licensed midwife's

- 20 (1) philosophy of practice;
21 (2) education and training;
22 (3) experience;
23 (4) services and fees;
24 (5) procedures for meeting medical emergencies.

25 (b) The licensed midwife shall inform the client that the statis-
26 tical information required by AS 08.69.130 is maintained by the licensed
27 midwife and is available for public inspection.

28 Sec. 08.69.130. STATISTICS. (a) The board shall determine the
29 information concerning the practice of midwifery that must be collected

1 by a licensed midwife. The information is required to be retained in
2 statistical form and shall include information on

- 3 (1) infections;
4 (2) hemorrhage;
5 (3) hospital transfers;
6 (4) malpresentations;
7 (5) normal deliveries;
8 (6) absence of physical examinations performed by a physician
9 and the reason examinations were not performed.

10 (b) The statistical information required under (a) of this section
11 shall be filed with the Department of Commerce and Economic Development
12 every six months on a form prescribed by the department and made avail-
13 able for public inspection.

14 Sec. 08.69.140. MEDICAL HISTORIES. (a) The board shall require
15 licensed midwives to maintain a comprehensive medical and obstetrical
16 history of each client. The history shall include the following infor-
17 mation:

- 18 (1) the mother's name and address;
19 (2) the mother's date of birth;
20 (3) the mother's gravidity and parity;
21 (4) a description of the mother's progress in pregnancy,
22 including routine laboratory investigation;
23 (5) a description of the progress of mother and infant in
24 labor and delivery;
25 (6) a report of the characteristics of placental delivery and
26 cessation of bleeding of mother;
27 (7) a report of the immediate postpartum progress of mother
28 and infant;
29 (8) a statement of the general health of mother and infant at

1 the time the midwife services terminate;

2 (9) other information required by the board.

3 Sec. 08.69.150. PRACTICE OF A LICENSED MIDWIFE. A person licensed
4 as a midwife under this chapter must

5 (1) ensure that if reasonably possible before the onset of
6 labor the mother has received a general physical examination by a physi-
7 cian;

8 (2) recommend that the mother be transferred to the care of a
9 physician if a medical emergency is indicated;

10 (3) ensure that a physician licensed in the state agrees to
11 be available for consultation regarding the practice of midwifery and
12 agrees to be available to render medical treatment during emergencies on
13 a standby basis unless, due to extraordinary conditions, the board
14 exempts the midwife from the requirements of this paragraph.

15 Sec. 08.69.160. USE OF DRUGS. A licensed midwife may, in accor-
16 dance with regulations of the board, possess and administer oxygen,
17 antibiotic eye drops, and drugs used to stop maternal hemorrhage. The
18 board shall designate by regulation drugs that may be administered under
19 this section. The administration of oxygen or drugs by a licensed
20 midwife under this section is not the practice of medicine under
21 AS 08.64.

22 Sec. 08.69.170. MIDWIFE APPRENTICESHIP. (a) A person may com-
23 plete a midwifery apprenticeship by observing and assisting in the
24 management and care of the mother and infant in at least 20 births under
25 the supervision of a sponsor. In the course of 10 of those births the
26 apprentice must assume responsibility for the prenatal, intrapartal, and
27 postpartal management and care of the mother and child. A person under-
28 taking a midwifery apprenticeship shall register with the board at the
29 beginning of the apprenticeship.

1 (b) A sponsor may not supervise more than three apprentice mid-
2 wives simultaneously.

3 Sec. 08.69.180. DEFINITIONS. In this chapter

4 (1) "board" means the Board of Midwifery;

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

8 (3) "sponsor" means a physician or a midwife licensed to
9 practice in this state and authorized to act as a sponsor by the board;

10 (4) "unprofessional conduct" includes the habitual overuse of
11 alcoholic beverages or depressant, hallucinogenic or stimulant drugs, as
12 defined in AS 17.12.150(3), or addiction to the use of narcotic drugs as
13 defined in AS 17.12.230(13).

14 * Sec. 5. AS 17.15.030 is amended by adding a new subsection to read:

15 (b) AS 17.15.010 and 17.15.020 do not apply to the sale at retail
16 by pharmacies to midwives licensed in the state to possess and admin-
17 ister drugs designated by the Board of Midwifery under AS 08.69.160.

18 * Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:

19 (52) Board of Midwifery (AS 08.69.030)
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