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Original sponsors: Koponen, Adams,  
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1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND  
SOCIAL SERVICES COMMITTEE

2

SENATE CS FOR HOUSE BILL NO. 335 (HESS)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to practice of midwifery; and pro-  
7 viding for an effective date."

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

9 \* Section 1. AS 08.64.370 is amended to read:

10 Sec. 08.64.370. PERSONS NOT AFFECTED. This chapter does not  
11 apply to

12 (1) officers in the regular medical service of the armed  
13 services of the United States or the United States Public Health  
14 Service while in the discharge of their official duties;

15 (2) a physician or osteopath, who is not a resident of this  
16 state, who is asked by a physician or osteopath licensed in this state  
17 to help in the diagnosis or treatment of a case;

18 (3) the practice of the religious tenets of a church;

19 (4) [REPEALED

20 (5)] a person while serving as a student, intern, resident  
21 physician, or fellow at a hospital, clinic, or medical facility in the  
22 state;

23 (5) [(6)] a physician in the regular medical service of  
24 the United States Public Health Service or the armed services of the  
25 United States volunteering services without pay or other remuneration  
26 to a hospital, clinic, medical office, or other medical facility in  
27 the state;

28 (6) a person who is registered as a lay midwife by the

1 Department of Health and Social Services under AS 18.05.040 while  
2 engaged in the practice of lay midwifery.

3 \* Sec. 2. AS 08.64.380 is amended by adding a new paragraph to read:

4 (10) "practice of lay midwifery" has the meaning given in  
5 AS 18.05.070.

6 \* Sec. 3. AS 18.05.040(a) is amended to read:

7 (a) The commissioner shall adopt [, REPEAL AND AMEND RULES AND]  
8 regulations consistent with existing law for

9 (1) the definition, reporting and control of diseases of  
10 public health significance;

11 (2) [REPEALED

12 (3) REPEALED

13 (4)] cooperation with local boards of health and health  
14 officers;

15 (3) [(5)] protection and promotion of the public health  
16 and prevention of disability and mortality;

17 [(6) REPEALED]

18 (4) [(7)] the transportation of dead bodies;

19 [(8) REPEALED

20 (9) REPEALED

21 (10) REPEALED

22 (11) REPEALED

23 (12) REPEALED]

24 (5) [(13)] carrying out the purposes of this chapter;

25 (6) [(14)] the conduct of its business and for carrying  
26 out the provisions of laws of the United States and the state relating  
27 to public health;

28 (7) [(15)] establishing the divisions and local offices  
29 and advisory groups necessary or considered expedient to carry out or

1 assist in carrying out a duty or power assigned to it;

2 [(16) REPEALED]

3 (8) [(17)] the voluntary certification of laboratories to  
4 perform diagnostic, quality control, or enforcement analyses or exami-  
5 nations based on recognized or tentative standards of performance  
6 relating to analysis and examination of food to include seafood, milk,  
7 water, and specimens from human beings submitted by licensed physi-  
8 cians and nurses for analysis;

9 (9) [(18)] the regulation of quality and purity of commer-  
10 cially compressed oxygen sold for human respiration;

11 (10) [(19)] the notification of engagement or release of a  
12 physician assistant by persons under AS 08.64.170(b);

13 (11) the registration of lay midwives who meet the  
14 requirements adopted by the department for education, training,  
15 standards of practice, and discipline of persons engaged in the  
16 practice of lay midwifery.

17 \* Sec. 4. AS 18.05.070 is amended by adding a new paragraph to read:

18 (3) "practice of lay midwifery" means, in accordance with  
19 regulations adopted by the Department of Health and Social Services,  
20 giving education and advice concerning pregnancy; supervising, caring  
21 for, and advising women during pregnancy, labor, and the postpartum  
22 period; conducting deliveries without supervision; and caring for  
23 newborns and infants who are less than four weeks old; in this para-  
24 graph "caring for" means performing preventive measures, detecting  
25 abnormal conditions in mother and child, procuring medical help, and  
26 executing emergency measures in the absence of medical help.

27 \* Sec. 5. LAY MIDWIVES WORKING GROUP. (a) There is established in the  
28 Department of Health and Social Services a lay midwives working group  
29 composed of three lay midwives holding certificates from the Midwives

1 Association of Alaska, one representative of the department, and one physi-  
2 cian or nurse midwife licensed in this state. The commissioner shall  
3 appoint the members of the working group. The working group shall develop  
4 regulations for the commissioner to propose under AS 18.05.040 for the  
5 registration, training and education requirements, standards of practice,  
6 and disciplinary measures for lay midwives.

7 (b) The department shall report to the legislature by the 10th day of  
8 the Second Session of the Fourteenth Legislature concerning the regulations  
9 proposed by the working group. The department may not adopt the  
10 regulations until after they are presented to the legislature.

11 (c) Members of the working group are not entitled to receive compen-  
12 sation for their services or travel and per diem under AS 39.20.180.

13 \* Sec. 6. Notwithstanding AS 08.64, a lay midwife practicing in this  
14 state on the effective date of this Act who is not registered by the  
15 Department of Health and Social Services may continue to practice until the  
16 department adopts regulations under AS 18.05.040 for the practice of lay  
17 midwifery and completes any review of the midwife's credentials required by  
18 the regulations. The midwife shall cooperate with the department in the  
19 review.

20 \* Sec. 7. (a) A lay midwife practicing under sec. 6 of this Act shall

21 (1) inform an expectant mother and the father, if the father is  
22 participating in prenatal care or delivery, of the risks of home birth;

23 (2) comply with the requirements of AS 18.15.150 concerning  
24 taking of blood samples by licensed physicians, AS 18.15.200 concerning  
25 screening for phenylketonuria (PKU) by a licensed physician or nurse,  
26 AS 18.50.160 concerning birth registration, AS 18.50.230 concerning  
27 registration of deaths, AS 18.50.240 concerning fetal death registration,  
28 and regulations adopted by the Department of Health and Social Services  
29 concerning prophylactic treatment of the eyes of newborn infants; and

1           (3) accept full legal responsibility for the midwife's acts and  
2 omissions.

3           (b) If a lay midwife seeks to consult with or refer a patient to a  
4 licensed physician, the responsibility of the physician for the patient  
5 does not begin until the patient is physically within the physician's care.

6           (c) Unless the lay midwife obtains a high risk waiver, a lay midwife  
7 practicing under sec. 6 of this Act may not knowingly deliver a woman who

8           (1) has had a previous cesarean delivery or other uterine sur-  
9 gery;

10           (2) has a history of thrombophlebitis or pulmonary embolism;

11           (3) has diabetes, hypertension, Rh disease with positive titer,  
12 active tuberculosis, active syphilis, active gonorrhea, epilepsy, heart  
13 disease, or kidney disease;

14           (4) contracts genital herpes simplex in the first trimester or  
15 has active genital herpes in the last two weeks of pregnancy;

16           (5) has severe psychiatric illness;

17           (6) is addicted to narcotics or other drugs;

18           (7) has multiple gestation;

19           (8) has a fetus of less than 37 weeks gestation at the onset of  
20 labor;

21           (9) has a gestation of more than 42-1/2 weeks by dates and  
22 examination;

23           (10) has a fetus in any presentation other than vertex at the  
24 onset of labor;

25           (11) is a primigravida with an unengaged fetal head in active  
26 labor, or any woman who has rupture of membranes with unengaged fetal head,  
27 with or without labor;

28           (12) has a fetus with suspected or diagnosed congenital anomalies  
29 that may require immediate medical intervention;

1 (13) has pre-eclampsia or eclampsia;

2 (14) has a parity greater than five;

3 (15) has bleeding with evidence of placenta previa.

4 (d) Before accepting a woman for care who is outside the limits of  
5 low risk, a lay midwife practicing under this section shall

6 (1) explain fully to the expectant mother and the father, if the  
7 father is participating in prenatal care or delivery, the risks of home  
8 delivery for the woman and infant;

9 (2) recommend that the woman consult her physician and keep a  
10 record of the woman's report of the visit;

11 (3) obtain a signed high risk waiver.

12 \* Sec. 8. Section 5 and 7 of this Act are repealed on the day after the  
13 department completes the adoption of regulations for

14 (1) training, education, and experience requirements for lay  
15 midwives;

16 (2) standards for the practice of lay midwifery; and

17 (3) discipline of persons practicing lay midwifery.

18 \* Sec. 9. This Act takes effect immediately in accordance with AS 01.-  
19 10.070(c).