

LEG. FINANCE - BILLS 1981 - 1982 1717

SB 747 - SB 748 1217

COMMITTEE REPORT

SENATE

FINANCE

2/11/82

FURTHER: ~~None~~

Date: 4-7-82

Mr. President: HEALTH, EDUCATION & SOCIAL SERVICES
The Committee on SOCIAL SERVICES has had SB 747 relating to midwifery

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass [] do not pass
- [] do pass with attached amendments(s)
- replace with CS for SB 747 (HESS) [X] same title [] new title
- and recommends _____
- [] AND attaches a "Letter of Intent" [X] New Fiscal Note
- [] reports it back without recommendation
- [] referred to the _____ Committee

MEMBERS SIGNING DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

Offered: 4/15/82
Referred: Finance

Original sponsor: Fischer

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 747 (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 person who practices as a
26 licensed midwife shall obtain a license as provided in this chapter and
27 shall practice midwifery in accordance with this chapter.

28 Sec. 08.69.020. UNLAWFUL REPRESENTATION. It is unlawful for a
29 person to represent oneself as a licensed midwife or use any designation

1 that implies that the person is licensed or certified by the state to
2 act as a midwife unless the person is currently licensed under this
3 chapter.

4 Sec. 08.69.030. MEMBERSHIP AND TERM OF OFFICE OF THE BOARD OF
5 MIDWIFERY. (a) There is established the Board of Midwifery consisting
6 of five members. One member shall be a physician licensed to practice
7 medicine in the state. One member shall be a nurse midwife certified
8 under AS 08.68.410(1). At least two members shall be licensed under
9 this chapter or eligible to receive licenses under AS 08.69.050(1) -
10 (3). One member shall be a person with no financial interest in a
11 health care facility. There may not be more than one nurse midwife
12 certified under AS 08.68.410(1) on the board.

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

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

20 (1) approve the licensure of persons to practice midwifery;

21 (2) prepare and administer a comprehensive examination that
22 tests competence in all aspects of the practice of midwifery;

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

25 (4) develop a bibliography and guide to the examination
26 administered to applicants and make it available at a reasonable cost;

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

29 (6) require licensed midwives to maintain statistics relating

1 to births they attend;

2 (7) hold hearings and order disciplinary sanctions under
3 AS 08.69.100;

4 (8) adopt regulations necessary to carry out the purposes of
5 this chapter.

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

8 (1) furnishes proof of having received a high school degree
9 or its equivalent and of having completed two years of nursing training
10 or its equivalent;

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

16 (3) passes a comprehensive examination administered by the
17 board that tests competence in all aspects of midwifery;

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

19 Sec. 08.69.060. LICENSURE BY ENDORSEMENT. A person who is li-
20 censed as a midwife by another state or country may be licensed as a
21 midwife in this state without taking an examination if the requirements
22 for the out-of-state license are determined by the board to be at least
23 equivalent to the requirements for licensure under AS 08.69.050.

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

26 (1) the applicant presents proof satisfactory to the board of
27 having served as a midwife for at least 10 births while under the super-
28 vision of a sponsor during the year preceding application; and

29 (2) at least one year has passed following the date the

1 person last failed the examination.

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

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

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

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

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

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

26 (1) obtained or attempted to obtain a license under this
27 chapter by fraud or deceit;

28 (2) wilfully violated a provision of this chapter;

29 (3) engaged in unprofessional conduct; or

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

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

8 Sec. 08.69.110. 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 care;
- 12 (2) preparation and management of the delivery site and
13 lying-in area;
- 14 (3) management of the birth process and delivery of the
15 infant;
- 16 (4) clamping and severing the umbilical cord;
- 17 (5) delivery of the placenta, with anti-hemorrhage tech-
18 niques;
- 19 (6) recognition of an emergency labor or delivery situation
20 involving the mother or infant;
- 21 (7) emergency procedures for asphyxiation, convulsions,
22 malformation, and infectious diseases of the newborn;
- 23 (8) administration of preventive prophylaxis for ophthalmia
24 neonatorum;
- 25 (9) postnatal care of mother and infant;
- 26 (10) suturing;
- 27 (11) routine laboratory investigation for normal prenatal
28 care.

29 (b) In a medical emergency the scope of practice, to the extent

1 needed for the emergency includes

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

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

9 Sec. 08.69.120. INFORMED CONSENT FORM. (a) The board shall
10 develop an informed consent form that a licensed midwife shall provide
11 for clients at the initial meeting. The form shall recommend a physical
12 examination of the pregnant woman by a physician and inform clients of
13 vital statistic reporting requirements. The form shall also 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 08.69.130 is maintained by the licensed
22 midwife and is available for public inspection.

23 Sec. 08.69.130. STATISTICS. (a) The board shall determine the
24 information concerning the practice of midwifery that must be collected
25 by a licensed midwife. The information is required to be retained in
26 statistical form and shall include information on

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

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

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

9 Sec. 08.69.140. MEDICAL HISTORIES. (a) The board shall require
10 licensed midwives to maintain a comprehensive medical and obstetrical
11 history of each client. The history shall include the following infor-
12 mation:

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

27 Sec. 08.69.150. PRACTICE OF A LICENSED MIDWIFE. (a) A person
28 licensed as a midwife under this chapter must

- 29 (1) ensure that if reasonably possible before the onset of

1 labor the mother has received a general physical examination by a physi-
2 cian;

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

5 (3) ensure that a physician licensed in the state agrees to
6 be available for consultation regarding the practice of midwifery and
7 agrees to be available to render medical treatment during emergencies on
8 a standby basis unless, due to extraordinary conditions, the board
9 exempts the midwife from the requirements of this paragraph;

10 (4) comply with the provisions of AS 18.15.200(a) relating to
11 testing newborn children for phenylketonuria.

12 (b) Nothing in (a)(3) of this section may be construed to create
13 liability on the part of a physician who consults with a midwife for
14 services provided by the midwife.

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 licensed to practice in the
9 state or exempted from licensure under AS 08.64.370(1) or a midwife
10 licensed to practice in the state and authorized to act as a sponsor by
11 the board;

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

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

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

20 * Sec. 6. AS 18.15.200(a) is amended to read:

21 (a) A physician who attends a newborn child shall cause this child
22 to be tested for phenylketonuria (PKU). If the mother is delivered in
23 the absence of a physician, the nurse or midwife licensed under AS 08.69
24 who attends the delivery or who first visits the child shall cause this
25 test to be performed.

26 * Sec. 7. AS 18.15.200(f) is amended to read:

27 (f) A licensed physician, licensed midwife, or licensed nurse
28 attending a newborn or infant who violates this section is guilty of a
29 misdemeanor, and upon conviction is punishable by a fine of not more

1 than \$500. However, a person attending a newborn or infant whose
2 request for appropriate specimens from the newborn or infant is denied
3 by the parent or guardian is not guilty of a misdemeanor. The fact that
4 a child has not been subjected to the test because a request for ap-
5 propriate specimens has been denied by the parents or guardian shall be
6 reported to the department. The department shall administer and provide
7 services for testing for other heritable diseases that [WHICH] lead to
8 mental retardation and physical handicaps as screening programs accepted
9 by current medical practice and as developed.

10 * Sec. 8. AS 44.62.330(a) is amended by adding a new paragraph to read:

11 (52) Board of Midwifery (AS 08.69.030)

Introduced: 2/11/82
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY FISCHER

2 SENATE BILL NO. 747

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. Two members shall be licensed under this chapter or
9 eligible to receive licenses under AS 08.69.050(1) - (3). One member
10 shall be a person who has received or paid for the services of a midwife
11 licensed under this chapter or who has received or paid for the services
12 of a midwife eligible to receive a license under AS 08.69.050(1) - (3).
13 Two members shall be selected by the governor.

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

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

21 (1) approve the licensure of persons to practice midwifery;

22 (2) prepare and administer an examination that tests compe-
23 tence in midwifery;

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

26 (4) develop a bibliography and guide to the examination
27 administered to applicants and make it available at a reasonable cost;

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

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

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

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

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

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

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

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

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

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

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

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

27 (1) the applicant presents proof satisfactory to the board of
28 having served as a midwife for at least 10 births while under the super-
29 vision of a sponsor during the year preceding application; and

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

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

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

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

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

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

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

27 (1) obtained or attempted to obtain a license under this
28 chapter by fraud or deceit;

29 (2) wilfully violated a provision of this chapter;

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

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

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

- 12 (1) recognition of pregnancy and management of prenatal 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 (3) oxygen use.

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

10 Sec. 08.69.120. INFORMED CONSENT FORM. (a) The board shall
11 develop an informed consent form that a licensed midwife shall provide
12 for clients at the initial meeting. The form shall recommend a physical
13 examination of the pregnant woman by a physician and inform clients of
14 vital statistic reporting requirements. The form shall also describe
15 the licensed midwife's

- 16 (1) philosophy of practice;
17 (2) education and training;
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21 (b) The licensed midwife shall inform the client that the statis-
22 tical information required by AS 08.69.130 is maintained by the licensed
23 midwife and is available for public inspection.

24 Sec. 08.69.130. STATISTICS. (a) The board shall determine the
25 information concerning the practice of midwifery that must be collected
26 by a licensed midwife. The information is required to be retained in
27 statistical form and shall include information on

- 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 physician
5 and the reason examinations were not performed.

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

10 Sec. 08.69.140. MEDICAL HISTORIES. (a) The board shall require
11 licensed midwives to maintain a comprehensive medical and obstetrical
12 history of each client. The history shall include the following infor-
13 mation:

- 14 (1) the mother's name and address;
15 (2) the mother's date of birth;
16 (3) the mother's gravidity and parity;
17 (4) a description of the mother's progress in pregnancy,
18 including routine laboratory investigation;
19 (5) a description of the progress of mother and infant in
20 labor and delivery;
21 (6) a report of the characteristics of placental delivery and
22 cessation of bleeding of mother;
23 (7) a report of the immediate postpartum progress of mother
24 and infant;
25 (8) a statement of the general health of mother and infant at
26 the time the midwife services terminate;
27 (9) other information required by the board.

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

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

4 (2) recommend that the mother be transferred to the care of a
5 physician if a medical emergency is indicated.

6 Sec. 08.69.160. USE OF DRUGS. A licensed midwife may, in accor-
7 dance with regulations of the board, possess and administer oxygen,
8 antibiotic eye drops, and drugs used to stop maternal hemorrhage. The
9 board shall designate by regulation drugs that may be administered under
10 this section. The administration of oxygen or drugs by a licensed
11 midwife under this section is not the practice of medicine under
12 AS 08.64.

13 Sec. 08.69.170. MIDWIFE APPRENTICESHIP. (a) A person may com-
14 plete a midwifery apprenticeship by observing and assisting in the
15 management and care of the mother and infant in at least 20 births under
16 the supervision of a sponsor. In the course of 10 of those births the
17 apprentice must assume responsibility for the prenatal, intrapartal, and
18 postpartal management and care of the mother and child. A person under-
19 taking a midwifery apprenticeship shall register with the board at the
20 beginning of the apprenticeship.

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

23 Sec. 08.69.180. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

10 (52) Board of Midwifery (AS 08.69.030)

1/3 of position would be retroactive, social workers

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE - UPDATE

I. REQUEST

Bill/Resolution No. SB 747
Title An Act relating to midwifery.
Requested by Senator Fischer Date 2-11-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
Program Category Affected Public Protection
BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions.
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		27.9	27.9	27.9	27.9	27.9
200 TRAVEL		9.4	10.3	11.4	12.5	13.7
300 CONTRACTUAL		16.0	17.4	18.9	20.6	22.4
400 COMMODITIES		5	5	5	5	5
500 EQUIPMENT		2.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		56.6	56.1	58.7	61.5	64.5

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		56.6	56.1	58.7	61.5	64.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

PERSONAL SERVICES - FY'82 salary schedule and benefits.

1 Licensing Examiner I, range 12, gen.govt., 12 mos. 27.9

TRAVEL - 10% inflation factor projected.

Board of Midwifery, 5 members (anticipate 1-Anch, 1-Fbks, 1-Southeast, 1-Kenai area, and 1-Nome area); 3 meetings per year (1 ea. in Anch, Fbks, & S.E), travel costs plus 3 days per diem @\$80/day \$6,000.00

Department staff: 1-licensing examiner to attend meetings of the Board of Midwifery, travel costs plus per diem 1,200.00
1-regulations specialist to hold hearings and assist board in promulgation of regulations, travel and per diem 1,200.00
1-investigator, travel and per diem costs to investigate complaints concerning lay midwifery; average 1 trip every 4 months @\$200/trip plus per diem @ \$80/day 1,000.00

IV. DATE March 25, 1982

PREPARED BY Marjorie Odland
AGENCY Division of Occupational Licensing
PHONE 465-2535

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

CONTRACTUAL - 9% inflation factor projected.

Printing of new statute booklets, applications and licenses for midwives desiring to become licensed.	\$ 2,000.00
Meeting notices, regulation publications, mailing costs of application packets and statute booklets	800.00
General operating costs including phones, computer time (projected by board), and similar daily costs.	1,000.00

Development of examination, professional services contract basis, including updates, pool of questions for use by state board, storage in in-house computer system	5,000.00
--	----------

Licensing/Disciplinary Hearings - Anticipate three hearings per year. In estimating one day hearings, the following costs are considered:

Average 6 hour days:

Hearing Officer, @\$75/hr	450.00
Court Reporter, @\$25/hr	150.00
10 exhibits, \$.45 ea.	4.50
3 witnesses, 1/2 day ea. @ \$12.50	37.50
1 expert witness, 2 hrs. @ \$150./hr.	300.00
Transcript, avg. 210 pages @ \$4.50/page	945.00
	<hr/> 1,887.00
	X 3
	<hr/> \$ 5,661.00

Room Rental for examinations: 2 exams per year., 1 day each.	200.00
Proctors for examinations: Head Proctor - \$50/day	100.00
Monitor - \$35/day	70.00

Rental Space - 1 licensing examiner position: 60 sq.ft X \$1.70 X 12 mos.= 1.2

COMMODITIES

General supplies needed by licensing examiner such as tapes for meetings, file folders, paper etc.	.5
--	----

EQUIPMENT - one time cost in FY'83.

1 desk, double pedestal 60" x 30"	426.92
1 chair, posture without arms (contour)	170.57
1 typewriter, correcting selectric, dual pitch	1,028.81
1 typewriter table	101.92
1 credenza, 90" x 62"	470.90
1 side chair	95.15
2 file cabinets, 4 drawer legal	505.20
	<hr/> \$2,799.48

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 747 (Revised)

Title "An Act relating to midwifery."

Requested by Commissioner's Office

Date 3/17/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Health/Public Health

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 3/24/82

PREPARED BY David Spence, M.D.

AGENCY Health & Social Services

PHONE 465-3100

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

4cc

ALASKA STATE LEGISLATURE

TWELFTH Legislature SECOND Session

SENATE BILL NO. 747

By FISCHER

Finance added

"An Act relating to midwifery."

Introduced in the Senate 2/11/1982

HISTORY IN THE SENATE

19 82

Read first time and referred to Committee on

2 1
3 8
4 15

HESSE
Report added
Reported back with HESSE
recommendation that *replace*
WES-3 do pass new
flynote to leader JIN

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No.

FV NOTES ATTACHED - 55#32 - 4/15/02

Offered: 4/15/82
Referred: Finance

Original sponsor: Fischer

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 747 (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 person who practices as a
26 licensed midwife shall obtain a license as provided in this chapter and
27 shall practice midwifery in accordance with this chapter.

28 Sec. 08.69.020. UNLAWFUL REPRESENTATION. It is unlawful for a
29 person to represent oneself as a licensed midwife or use any designation

1 that implies that the person is licensed or certified by the state to
2 act as a midwife unless the person is currently licensed under this
3 chapter.

4 Sec. 08.69.030. MEMBERSHIP AND TERM OF OFFICE OF THE BOARD OF
5 MIDWIFERY. (a) There is established the Board of Midwifery consisting
6 of five members. One member shall be a physician licensed to practice
7 medicine in the state. One member shall be a nurse midwife certified
8 under AS 08.68.410(1). At least two members shall be licensed under
9 this chapter or eligible to receive licenses under AS 08.69.050(1) -
10 (3). One member shall be a person with no financial interest in a
11 health care facility. There may not be more than one nurse midwife
12 certified under AS 08.68.410(1) on the board.

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

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

20 (1) approve the licensure of persons to practice midwifery;

21 (2) prepare and administer a comprehensive examination that
22 tests competence in all aspects of the practice of midwifery;

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

25 (4) develop a bibliography and guide to the examination
26 administered to applicants and make it available at a reasonable cost;

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

29 (6) require licensed midwives to maintain statistics relating

1 to births they attend;

2 (7) hold hearings and order disciplinary sanctions under
3 AS 08.69.100;

4 (8) adopt regulations necessary to carry out the purposes of
5 this chapter.

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

8 (1) furnishes proof of having received a high school degree
9 or its equivalent and of having completed two years of nursing training
10 or its equivalent;

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

16 (3) passes a comprehensive examination administered by the
17 board that tests competence in all aspects of midwifery;

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

19 Sec. 08.69.060. LICENSURE BY ENDORSEMENT. A person who is li-
20 censed as a midwife by another state or country may be licensed as a
21 midwife in this state without taking an examination if the requirements
22 for the out-of-state license are determined by the board to be at least
23 equivalent to the requirements for licensure under AS 08.69.050.

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

26 (1) the applicant presents proof satisfactory to the board of
27 having served as a midwife for at least 10 births while under the super-
28 vision of a sponsor during the year preceding application; and

29 (2) at least one year has passed following the date the

1 person last failed the examination.

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

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

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

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

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

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

26 (1) obtained or attempted to obtain a license under this
27 chapter by fraud or deceit;

28 (2) wilfully violated a provision of this chapter;

29 (3) engaged in unprofessional conduct; or

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

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

8 Sec. 08.69.110. 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 care;

12 (2) preparation and management of the delivery site and
13 lying-in area;

14 (3) management of the birth process and delivery of the
15 infant;

16 (4) clamping and severing the umbilical cord;

17 (5) delivery of the placenta, with anti-hemorrhage tech-
18 niques;

19 (6) recognition of an emergency labor or delivery situation
20 involving the mother or infant;

21 (7) emergency procedures for asphyxiation, convulsions,
22 malformation, and infectious diseases of the newborn;

23 (8) administration of preventive prophylaxis for ophthalmia
24 neonatorum;

25 (9) postnatal care of mother and infant;

26 (10) suturing;

27 (11) routine laboratory investigation for normal prenatal
28 care.

29 (b) In a medical emergency the scope of practice, to the extent

1 needed for the emergency includes

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

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

9 Sec. 08.69.120. INFORMED CONSENT FORM. (a) The board shall
10 develop an informed consent form that a licensed midwife shall provide
11 for clients at the initial meeting. The form shall recommend a physical
12 examination of the pregnant woman by a physician and inform clients of
13 vital statistic reporting requirements. The form shall also 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 08.69.130 is maintained by the licensed
22 midwife and is available for public inspection.

23 Sec. 08.69.130. STATISTICS. (a) The board shall determine the
24 information concerning the practice of midwifery that must be collected
25 by a licensed midwife. The information is required to be retained in
26 statistical form and shall include information on

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

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

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

9 Sec. 08.69.140. MEDICAL HISTORIES. (a) The board shall require
10 licensed midwives to maintain a comprehensive medical and obstetrical
11 history of each client. The history shall include the following infor-
12 mation:

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

27 Sec. 08.69.150. PRACTICE OF A LICENSED MIDWIFE. (a) A person
28 licensed as a midwife under this chapter must

- 29 (1) ensure that if reasonably possible before the onset of

1 labor the mother has received a general physical examination by a physi-
2 cian;

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

5 (3) ensure that a physician licensed in the state agrees to
6 be available for consultation regarding the practice of midwifery and
7 agrees to be available to render medical treatment during emergencies on
8 a standby basis unless, due to extraordinary conditions, the board
9 exempts the midwife from the requirements of this paragraph;

10 (4) comply with the provisions of AS 18.15.200(a) relating to
11 testing newborn children for phenylketonuria.

12 (b) Nothing in (a)(3) of this section may be construed to create
13 liability on the part of a physician who consults with a midwife for
14 services provided by the midwife.

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 licensed to practice in the
9 state or exempted from licensure under AS 08.64.370(1) or a midwife
10 licensed to practice in the state and authorized to act as a sponsor by
11 the board;

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

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

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

20 * Sec. 6. AS 18.15.200(a) is amended to read:

21 (a) A physician who attends a newborn child shall cause this child
22 to be tested for phenylketonuria (PKU). If the mother is delivered in
23 the absence of a physician, the nurse or midwife licensed under AS 08.69
24 who attends the delivery or who first visits the child shall cause this
25 test to be performed.

26 * Sec. 7. AS 18.15.200(f) is amended to read:

27 (f) A licensed physician, licensed midwife, or licensed nurse
28 attending a newborn or infant who violates this section is guilty of a
29 misdemeanor, and upon conviction is punishable by a fine of not more

1 than \$500. However, a person attending a newborn or infant whose
2 request for appropriate specimens from the newborn or infant is denied
3 by the parent or guardian is not guilty of a misdemeanor. The fact that
4 a child has not been subjected to the test because a request for ap-
5 propriate specimens has been denied by the parents or guardian shall be
6 reported to the department. The department shall administer and provide
7 services for testing for other heritable diseases that [WHICH] lead to
8 mental retardation and physical handicaps as screening programs accepted
9 by current medical practice and as developed.

10 * Sec. 8. AS 44.62.330(a) is amended by adding a new paragraph to read:

11 (52) Board of Midwifery (AS 08.69.030)

Introduced: 2/11/82
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY FISCHER

2 SENATE BILL NO. 747

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. Two members shall be licensed under this chapter or
9 eligible to receive licenses under AS 08.69.050(1) - (3). One member
10 shall be a person who has received or paid for the services of a midwife
11 licensed under this chapter or who has received or paid for the services
12 of a midwife eligible to receive a license under AS 08.69.050(1) - (3).
13 Two members shall be selected by the governor.

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

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

21 (1) approve the licensure of persons to practice midwifery;

22 (2) prepare and administer an examination that tests compe-
23 tence in midwifery;

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

26 (4) develop a bibliography and guide to the examination
27 administered to applicants and make it available at a reasonable cost;

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

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

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

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

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

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

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

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

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

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

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

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

27 (1) the applicant presents proof satisfactory to the board of
28 having served as a midwife for at least 10 births while under the super-
29 vision of a sponsor during the year preceding application; and

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

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

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

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

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

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

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

27 (1) obtained or attempted to obtain a license under this
28 chapter by fraud or deceit;

29 (2) wilfully violated a provision of this chapter;

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(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;
- (11) routine laboratory investigation for normal prenatal 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 (3) oxygen use.

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

10 Sec. 08.69.120. INFORMED CONSENT FORM. (a) The board shall
11 develop an informed consent form that a licensed midwife shall provide
12 for clients at the initial meeting. The form shall recommend a physical
13 examination of the pregnant woman by a physician and inform clients of
14 vital statistic reporting requirements. The form shall also describe
15 the licensed midwife's

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

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

24 Sec. 08.69.130. STATISTICS. (a) The board shall determine the
25 information concerning the practice of midwifery that must be collected
26 by a licensed midwife. The information is required to be retained in
27 statistical form and shall include information on

- 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 physician
5 and the reason examinations were not performed.

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

10 Sec. 08.69.140. MEDICAL HISTORIES. (a) The board shall require
11 licensed midwives to maintain a comprehensive medical and obstetrical
12 history of each client. The history shall include the following infor-
13 mation:

- 14 (1) the mother's name and address;
15 (2) the mother's date of birth;
16 (3) the mother's gravidity and parity;
17 (4) a description of the mother's progress in pregnancy,
18 including routine laboratory investigation;
19 (5) a description of the progress of mother and infant in
20 labor and delivery;
21 (6) a report of the characteristics of placental delivery and
22 cessation of bleeding of mother;
23 (7) a report of the immediate postpartum progress of mother
24 and infant;
25 (8) a statement of the general health of mother and infant at
26 the time the midwife services terminate;
27 (9) other information required by the board.

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

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

4 (2) recommend that the mother be transferred to the care of a
5 physician if a medical emergency is indicated.

6 Sec. 08.69.160. USE OF DRUGS. A licensed midwife may, in accor-
7 dance with regulations of the board, possess and administer oxygen,
8 antibiotic eye drops, and drugs used to stop maternal hemorrhage. The
9 board shall designate by regulation drugs that may be administered under
10 this section. The administration of oxygen or drugs by a licensed
11 midwife under this section is not the practice of medicine under
12 AS 08.64.

13 Sec. 08.69.170. MIDWIFE APPRENTICESHIP. (a) A person may com-
14 plete a midwifery apprenticeship by observing and assisting in the
15 management and care of the mother and infant in at least 20 births under
16 the supervision of a sponsor. In the course of 10 of those births the
17 apprentice must assume responsibility for the prenatal, intrapartal, and
18 postpartal management and care of the mother and child. A person under-
19 taking a midwifery apprenticeship shall register with the board at the
20 beginning of the apprenticeship.

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

23 Sec. 08.69.180. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

(52) Board of Midwifery (AS 08.69.030)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE - UPDATE

I. REQUEST

Bill/Resolution No. SB 747
 Title An Act relating to midwifery.
 Requested by Senator Fischer Date 2-11-82

II. FISCAL DETAIL

Agency Affected Department of Commerce & Economic Development
 Program Category Affected Public Protection
 BRU, Program, Or Subprogram(s) Affected Regulation & licensing of professions.
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES		27.9	27.9	27.9	27.9	27.9
200 TRAVEL		9.4	10.3	11.4	12.5	13.7
300 CONTRACTUAL		16.0	17.4	18.9	20.6	22.4
400 COMMODITIES		.5	.5	.5	.5	.5
500 EQUIPMENT		2.8				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		56.6	56.1	58.7	61.5	64.5

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND		56.6	56.1	58.7	61.5	64.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME		1	1	1	1	1
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

PERSONAL SERVICES - FY'82 salary schedule and benefits.

1 Licensing Examiner I, range 12, gen.govt., 12 mos. 27.9

TRAVEL - 10% inflation factor projected.

Board of Midwifery, 5 members (anticipate 1-Anch, 1-Fbks, 1-Southeast, 1-Kenai area, and 1-Nome area); 3 meetings per year (1 ea. in Anch, Fbks, & S.E), travel costs plus 3 days per diem @\$80/day \$6,000.00

Department staff: 1-licensing examiner to attend meetings of the Board of Midwifery, travel costs plus per diem 1,200.00

1-regulations specialist to hold hearings and assist board in promulgation of regulations, travel and per diem 1,200.00

1-investigator, travel and per diem costs to investigate complaints concerning lay midwifery; average 1 trip every 4 months @\$200/trip plus per diem @ \$80/day 1,000.00

IV. DATE March 25, 1982

PREPARED BY Marjorie Odland
 AGENCY Division of Occupational Licensing
 PHONE 465-2535

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

CONTRACTUAL - 9% inflation factor projected.

Printing of new statute booklets, applications and licenses for midwives desiring to become licensed.	\$ 2,000.00
Meeting notices, regulation publications, mailing costs of application packets and statute booklets	800.00
General operating costs including phones, computer time (pro-rated by board), and similar daily costs.	1,000.00
Development of examination, professional services contract basis, including updates, pool of questions for use by state board, storage in in-house computer system	5,000.00

Licensing/Disciplinary Hearings - Anticipate three hearings per year. In estimating one day hearings, the following costs are considered:

Average 6 hour days:

Hearing Officer, @\$75/hr	450.00
Court Reporter, @\$25/hr	150.00
10 exhibits, \$.45 ea.	4.50
3 witnesses, 1/2 day ea. @ \$12.50	37.50
1 expert witness, 2 hrs. @ \$150./hr.	300.00
Transcript, avg. 210 pages @ \$4.50/page	945.00
	<hr/>
	1,887.00
	X 3
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	\$ 5,661.00

Room Rental for examinations:

2 exams per year., 1 day each.

200.00

Proctors for examinations:

Head Proctor - \$50/day

100.00

Monitor - \$35/day

70.00

Rental Space - 1 licensing examiner position: 60 sq.ft X \$1.70 X 12 mos.= 1.2

COMMODITIES

General supplies needed by licensing examiner such as tapes for meetings, file folders, paper etc.

.5

EQUIPMENT - one time cost in FY'83.

1 desk, double pedestal 60" x 30"	426.92
1 chair, posture without arms (contour)	170.57
1 typewriter, correcting selectric, dual pitch	1,028.81
1 typewriter table	101.92
1 credenza, 90" x 62"	470.90
1 side chair	95.15
2 file cabinets, 4 drawer legal	505.20
	<hr/>
	\$2,799.48

REVISED POSITION PAPER
SENATE BILL NO. 747

"An Act relating to midwifery."

WHAT THE BILL DOES

This bill creates an examining and licensing Board of Midwifery and establishes criteria to be used in issuing such licenses. However, since a license would not be required to practice midwifery, it would create three levels of midwifery care: (a) certified nurse (under 12 AAC 44.400), (b) licensed midwife, and (c) unlicensed midwife.

DISCUSSION

Historical Background - Alaska, like many states, had existing policies and procedures concerning lay-midwifery practice in the early part of this century. Before widespread availability of medical facilities, adequate transportation and professional providers, this Department promoted training for birth attendants in remote village areas through maternal and child health nurse consultants. In 1968, specific training was discontinued because of the establishment of the Community Health Aide training program by the Alaska Native Health Service. This program emphasizes the Community Health Aide's collaborative relationship with the Alaska Native Health physicians, which has resulted in moving the vast majority of village home births to the protected environment of hospitals.

Current Situation - While it is difficult to summarize the states' laws in this area, it can be stated that 13 states have licensure statutes for lay midwives. Some of these, while remaining on the books, are not operational in terms of issuance of new licenses. Of the remaining 37 states, approximately 8 have statutes which prohibit practice of lay midwifery. This information is summarized from a survey of states' laws printed in Mothering, Fall 1981, p. 63. There are three states (Washington, South Carolina, and New Hampshire) that have passed legislation within the last year dealing with this issue. These states have established midwifery regulatory boards which have the authority to establish licensure criteria and procedures. Typically, these boards include physician(s), certified nurse midwives and consumers in addition to lay midwives.

Problem areas of this bill - Assisting with childbirth is both an art and a science. In most instances the process proceeds to a normal outcome with nothing more than artful support and non-intervention. In some instances, however, the process requires utmost scientific knowledge and skill. Since it is not possible to know in advance which cases will require this higher level of care, it is in the best interest of Alaska's citizens to require quality care in as many births as possible. The licensure criteria in this bill are simply not adequate to assure that the licensee would have the judgment needed to recognize and refer the problem cases.

These deficiencies are in both formal education and in practical supervised training and experience. A required period of 9 months of formal training and participation in at least 50 births have been suggested by the National Midwives Association. The Washington law calls for 3 years of training and 100 births.

This Department has recently been appraised of the problem that lay midwives are having in getting prenatal blood tests performed. AS 18.15.150 currently addresses the legal issues in this matter. This bill (p. 5, line 28) will solve this problem only for the licensed midwife. This illustrates a much larger problem - that of the collaborative relationship between a lay midwife and a physician to whom any problems would be referred. This relationship is required for physician's assistants and for certified nurse midwives. Once a woman in labor develops a problem requiring referral there is not sufficient time to start searching for a physician with whom to consult. One of the basic tenets of midwifery practice is to handle only normal or low risk clients. This risk assessment can best be approached through a collaborative relationship with a physician. The collaborating physician should be protected by statute from liability related to the care of a client not directly under his supervision.

POSITION

This Department is opposed to passage of this bill as written. Inclusion of requirements for formal as well as practical training and a requirement for a collaborative relationship with a licensed physician are essential features. In addition to the Board members stated in Sec. 08.69.030(a), there should be a licensed physician who is a practicing obstetrician and a certified nurse midwife. Any contemplated legislation should include requirements for these practitioners to comply with AS 18.15.150 and AS 18.15.200 regarding prenatal blood work and newborn metabolic testing respectively.

Recommended by: E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date: March 24, 1982

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 3-24-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 747 (Revised)

Title "An Act relating to midwifery."

Requested by Commissioner's Office

Date 3/17/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services

Program Category Affected Health/Public Health

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 3/24/82

PREPARED BY David Spence, M.D.

AGENCY Health & Social Services

PHONE 465-3100

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

4cc
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POSITION PAPER
Senate Bill 747

"An Act relating to midwifery."

WHAT THE BILL DOES

This bill creates an examining and licensing Board of Midwifery and establishes criteria to be used in issuing such licenses. However, since a license would not be required to practice midwifery, it would create three levels of midwifery care: (a) certified nurse (under 12 AAC. 44.400), (b) licensed midwife, and (c) unlicensed midwife.

DISCUSSION

The increasing number of births attended by lay midwives in Alaska is viewed as a problem by this Department. It is a problem of unknown magnitude since there is considerable under reporting of such births. To the extent this bill would improve such reporting, the bill would be helpful.

A significant impact on improving the overall level of care would be seen only if licensure were mandatory for the practice of midwifery. It is clear that the intent of this bill, by making licensure an optional mark of quality, is to help the consumer make a more informed choice of providers. This Department believes this approach is inadequate to protect the perinatal health of Alaskans.

Another major concern of this Department is in the absence of formal education requirements for both initial and continuing licensure. This must be addressed to assure quality training and preparation. It must be in addition to the practical experience that is currently required in the bill.

Following are some specific minor suggestions for improvement:

- (a) Inclusion of a physician and of a certified nurse midwife to the Board of Midwifery (p. 2, line 13) would be of importance in this area of health care.
- (b) On page 2, line 13 "two" probably should be "the".
- (c) On page 5, line 25 add "and collection of newborn metabolic screening specimen from the infant."
- (d) On page 7, Sec. 08.69.130, an addition of "(7) maternal or neonatal death" would be useful.

POSITION

The Department supports passage of this bill only if the following changes are included:

- (1) Licensure will be mandatory.
- (2) Formal education in addition to the practical experience is required for both initial licensure and renewal. -

Recommended by: E.S. Rabeau
E.S. Rabeau, M.D., Director
Division of Public Health

Date: Feb. 25, 1982

Approved by: Helen O. Bairne
Helen Bairne, Commissioner
Dept. of Health & Social Services

Date: 3-1-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 747
 Title "An Act relating to midwifery."
 Requested by Commissioner's Office Date 2/25/82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Health/Public Health
 BRU, Program, Or Subprogram(s) Affected Child & Family Health
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE February 25, 1982 PREPARED BY David A. Spence, M.D.
 AGENCY Public Health/Family Health
 Original: Legislative Finance PHONE 465-3100
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

P.H
(P+F)

Introduced: 2/11/82
Referred: Health, Education &
Social Services

1 IN THE SENATE

BY FISCHER

2 SENATE BILL NO. 747

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. Two members shall be licensed under this chapter or
9 eligible to receive licenses under AS 08.69.050(1) - (3). One member
10 shall be a person who has received or paid for the services of a midwife
11 licensed under this chapter or who has received or paid for the services
12 of a midwife eligible to receive a license under AS 08.69.050(1) - (3).
13 Two members shall be selected by the governor.

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

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

21 (1) approve the licensure of persons to practice midwifery;

22 (2) prepare and administer an examination that tests compe-
23 tence in midwifery;

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

26 (4) develop a bibliography and guide to the examination
27 administered to applicants and make it available at a reasonable cost;

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

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

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

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

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

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

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

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

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

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

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

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

27 (1) the applicant presents proof satisfactory to the board of
28 having served as a midwife for at least 10 births while under the super-
29 vision of a sponsor during the year preceding application; and

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

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

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

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

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

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

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

27 (1) obtained or attempted to obtain a license under this
28 chapter by fraud or deceit;

29 (2) wilfully violated a provision of this chapter;

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- (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;
- (11) routine laboratory investigation for normal prenatal 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 (3) oxygen use.

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

10 Sec. 08.69.120. INFORMED CONSENT FORM. (a) The board shall
11 develop an informed consent form that a licensed midwife shall provide
12 for clients at the initial meeting. The form shall recommend a physical
13 examination of the pregnant woman by a physician and inform clients of
14 vital statistic reporting requirements. The form shall also describe
15 the licensed midwife's

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

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

24 Sec. 08.69.130. STATISTICS. (a) The board shall determine the
25 information concerning the practice of midwifery that must be collected
26 by a licensed midwife. The information is required to be retained in
27 statistical form and shall include information on

- 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 physician
5 and the reason examinations were not performed.

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

10 Sec. 08.69.140. MEDICAL HISTORIES. (a) The board shall require
11 licensed midwives to maintain a comprehensive medical and obstetrical
12 history of each client. The history shall include the following infor-
13 mation:

- 14 (1) the mother's name and address;
15 (2) the mother's date of birth;
16 (3) the mother's gravidity and parity;
17 (4) a description of the mother's progress in pregnancy,
18 including routine laboratory investigation;
19 (5) a description of the progress of mother and infant in
20 labor and delivery;
21 (6) a report of the characteristics of placental delivery and
22 cessation of bleeding of mother;
23 (7) a report of the immediate postpartum progress of mother
24 and infant;
25 (8) a statement of the general health of mother and infant at
26 the time the midwife services terminate;
27 (9) other information required by the board.

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

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

4 (2) recommend that the mother be transferred to the care of a
5 physician if a medical emergency is indicated.

6 Sec. 08.69.160. USE OF DRUGS. A licensed midwife may, in accor-
7 dance with regulations of the board, possess and administer oxygen,
8 antibiotic eye drops, and drugs used to stop maternal hemorrhage. The
9 board shall designate by regulation drugs that may be administered under
10 this section. The administration of oxygen or drugs by a licensed
11 midwife under this section is not the practice of medicine under
12 AS 08.64.

13 Sec. 08.69.170. MIDWIFE APPRENTICESHIP. (a) A person may com-
14 plete a midwifery apprenticeship by observing and assisting in the
15 management and care of the mother and infant in at least 20 births under
16 the supervision of a sponsor. In the course of 10 of those births the
17 apprentice must assume responsibility for the prenatal, intrapartal, and
18 postpartal management and care of the mother and child. A person under-
19 taking a midwifery apprenticeship shall register with the board at the
20 beginning of the apprenticeship.

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

23 Sec. 08.69.180. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

(52) Board of Midwifery (AS 08.69.030)

COMMITTEE REPORT
SENATE

2/11/82

FURTHER: None

Date: 4/5/82

Mr. President:

The Committee on FINANCE has had SB 748
interest on state bonds and notes

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 748 (fin) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Original sponsor: Special Committee on
Banking by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 748 (Finance)

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 interest on state bonds and notes;
7 and providing for an effective date."

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

9 * Section 1. AS 37.15.030 is amended to read:

10 Sec. 37.15.030. INTEREST RATE AND MATURITY. Each issue or series
11 of bonds shall bear interest at an effective rate over the life of the
12 bonds not to exceed 11 [10] percent a year or that rate of interest
13 which is 110 percent of the rate of the Bond Buyer index of 20 Municipal
14 Bond Average Yields for the week previous to the date of sale of the
15 bonds, whichever is higher. The bonds shall mature in not more than 30
16 years from date of issue, unless a longer period is specifically autho-
17 rized by statute.

18 * Sec. 2. AS 37.15.210(b) is amended to read:

19 (b) Refunding bonds and the coupons attached to them are negotiable
20 instruments. The effective rate of interest over the life of refunding
21 bonds may not exceed 10 percent a year or that rate of interest which is
22 110 percent of the rate of the Bond Buyer Index of 20 Municipal Bond
23 Average Yields for the week previous to the date of sale of bonds, which-
24 ever is higher, and the amount of premium which is paid to effect the
25 redemption of outstanding bonds may not be considered in determining the
26 effective rate of interest.

27 * Sec. 3. AS 37.15.380 is amended to read:

28 Sec. 37.15.380. SALE OF NOTES. Notes issued under this chapter
29 shall be sold by the state bond committee in such manner and at such

1 price or prices as it shall determine, at either public or private sale;
2 however, no such note shall be sold for less than par and accrued inter-
3 est or at an interest rate exceeding 11 [10] percent a year or that rate
4 of interest which is 110 percent of the rate of Bond Buyer Index of 20
5 Municipal Bond Average Yields for the week previous to the date of sale
6 of the notes, whichever is higher.

7 * Sec. 4. AS 37.15.390 is amended to read:

8 Sec. 37.15.390. EXECUTION OF NOTES. Notes for money borrowed in
9 anticipation of receipts from the sale of bonds shall be signed by the
10 governor and countersigned by the lieutenant governor. The governor's
11 and lieutenant governor's signatures [SIGNATURE] may be [A] facsimile
12 signatures [SIGNATURE].

13 * Sec. 5. AS 37.15.450(a) is amended to read:

14 (a) The bonds shall be sold in such amounts or series and at such
15 time or times as determined by the committee. Before selling a series
16 of bonds, the committee shall give notice inviting sealed bids in such
17 manner as it may prescribe. If satisfactory bids are received, the
18 bonds offered for sale shall be awarded to the highest responsible
19 bidder. If the committee determines that the bids received are not
20 satisfactory as to price or responsibility of the bidders, it may reject
21 all bids received. The bonds, or each series of them, shall be sold at
22 such a price so that the effective interest rate over the life of the
23 bonds does not exceed 11 [10] percent per year or that rate of interest
24 which is 125 percent of the rate of the Bond Buyer Index of 20 Municipal
25 Bond Average Yields for the week previous to the date of sale of the
26 bonds, whichever is higher. Interest shall be payable annually or
27 semiannually.

28 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

PROPOSED AMENDMENTS TO SB 748

* ~~AS 37.15.210~~ AS 37.15.210(b) is amended to read:

(b) Refunding bonds and the coupons attached to them are negotiable instruments. The effective rate of interest over the life of refunding bonds may not exceed 10 percent a year or that rate of interest which is 110 percent of the rate of the Bond Buyer Index of 20 Municipal Bond Average Yields for the week previous to the date of sale of the bonds, whichever is higher, and the amount of premium which is paid to effect the redemption of outstanding bonds may not be considered in determining the effective rate of interest.

~~AS 37.15.390~~ AS 37.15.390 is amended to read:

Sec. 37.15.390. EXECUTION OF NOTES. Notes for money borrowed in anticipation of receipts from the sale of bonds shall be signed by the governor and countersigned by the lieutenant governor. The governor's and lieutenant governor's signatures [SIGNATURE] may be [A] facsimile signatures [SIGNATURE].

Introduced: 2/11/82
Referred: Finance

BY THE SPECIAL COMMITTEE
ON BANKING BY REQUEST

1 IN THE SENATE

2 SENATE BILL NO. 748

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 interest on state bonds and notes;
7 and providing for an effective date."

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

9 * Section 1. AS 37.15.030 is amended to read:

10 Sec. 37.15.030. INTEREST RATE AND MATURITY. Each issue or series
11 of bonds shall bear interest at an effective rate over the life of the
12 bonds not to exceed 11 [10] percent a year or that rate of interest
13 which is 110 percent of the rate of the Bond Buyer index of 20 Municipal
14 Bond Average Yields for the week previous to the date of sale of the
15 bonds, whichever is higher. The bonds shall mature in not more than 30
16 years from date of issue, unless a longer period is specifically autho-
17 rized by statute.

18 * Sec. 2. AS 37.15.380 is amended to read:

19 Sec. 37.15.380. SALE OF NOTES. Notes issued under this chapter
20 shall be sold by the state bond committee in such manner and at such
21 price or prices as it shall determine, at either public or private sale;
22 however, no such note shall be sold for less than par and accrued
23 interest or at an interest rate exceeding 11 [10] percent a year
24 or that rate of interest which is 110 percent of the rate of Bond Buyer
25 Index of 20 Municipal Bond Average Yields for the week previous to the
26 date of sale of the notes, whichever is higher.

27 * Sec. 3. AS 37.15.450(a) is amended to read:

28 (a) The bonds shall be sold in such amounts or series and at such
29 time or times as determined by the committee. Before selling a series

1 of bonds, the committee shall give notice inviting sealed bids in such
2 manner as it may prescribe. If satisfactory bids are received, the
3 bonds offered for sale shall be awarded to the highest responsible
4 bidder. If the committee determines that the bids received are not
5 satisfactory as to price or responsibility of the bidders, it may reject
6 all bids received. The bonds, or each series of them, shall be sold at
7 such a price so that the effective interest rate over the life of the
8 bonds does not exceed 11 [10] percent per year or that rate of interest
9 which is 125 percent of the rate of the Bond Buyer Index of 20 Municipal
10 Bond Average Yields for the week previous to the date of sale of the
11 bonds, whichever is higher. Interest shall be payable annually or
12 semiannually.

13 * Sec. 4. This Act takes effect immediately in accordance with AS 01.10.-
14 070(c).

COMMITTEE REPORT
HOUSE

FURTHER:

(11)

4/15/82

Date: 5-6-82

Mr. Speaker:

The Committee on Finance has had CSSE 748 (Fin)

"An Act relating to interest on state bonds and notes; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for CS 748 (Finance) same title
 new title
- and recommends individual recommendations
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Albert P. Filomeno
CHAIRMAN

Original sponsor: Special Committee on
Banking by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 748 (Finance)

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 interest on state bonds and notes;
7 and providing for an effective date."

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

9 * Section 1. AS 37.15.030 is amended to read:

10 Sec. 37.15.030. INTEREST RATE AND MATURITY. Each issue or series
11 of bonds shall bear interest at an effective rate over the life of the
12 bonds not to exceed 11 [10] percent a year or that rate of interest
13 which is 110 percent of the rate of the Bond Buyer index of 20 Municipal
14 Bond Average Yields for the week previous to the date of sale of the
15 bonds, whichever is higher. The bonds shall mature in not more than 30
16 years from date of issue, unless a longer period is specifically autho-
17 rized by statute.

18 * Sec. 2. AS 37.15.210(b) is amended to read:

19 (b) Refunding bonds and the coupons attached to them are negotiable
20 instruments. The effective rate of interest over the life of refunding
21 bonds may not exceed 11 [10] percent a year or that rate of interest
22 which is 110 percent of the rate of the Bond Buyer Index of 20 Municipal
23 Bond Average Yields for the week previous to the date of sale of bonds,
24 whichever is higher, and the amount of premium which is paid to effect
25 the redemption of outstanding bonds may not be considered in determining
26 the effective rate of interest.

27 * Sec. 3. AS 37.15.380 is amended to read:

28 Sec. 37.15.380. SALE OF NOTES. Notes issued under this chapter
29 shall be sold by the state bond committee in such manner and at such

1 price or prices as it shall determine, at either public or private sale;
2 however, no such note shall be sold for less than par and accrued inter-
3 est or at an interest rate exceeding 11 [10] percent a year or that rate
4 of interest which is 110 percent of the rate of Bond Buyer Index of 20
5 Municipal Bond Average Yields for the week previous to the date of sale
6 of the notes, whichever is higher.

7 * Sec. 4. AS 37.15.390 is amended to read:

8 Sec. 37.15.390. EXECUTION OF NOTES. Notes for money borrowed in
9 anticipation of receipts from the sale of bonds shall be signed by the
10 governor and countersigned by the lieutenant governor. The governor's
11 and lieutenant governor's signatures [SIGNATURE] may be [A] facsimile
12 signatures [SIGNATURE].

13 * Sec. 5. AS 37.15.450(a) is amended to read:

14 (a) The bonds shall be sold in such amounts or series and at such
15 time or times as determined by the committee. Before selling a series
16 of bonds, the committee shall give notice inviting sealed bids in such
17 manner as it may prescribe. If satisfactory bids are received, the
18 bonds offered for sale shall be awarded to the highest responsible
19 bidder. If the committee determines that the bids received are not
20 satisfactory as to price or responsibility of the bidders, it may reject
21 all bids received. The bonds, or each series of them, shall be sold at
22 such a price so that the effective interest rate over the life of the
23 bonds does not exceed 11 [10] percent per year or that rate of interest
24 which is 125 percent of the rate of the Bond Buyer Index of 20 Municipal
25 Bond Average Yields for the week previous to the date of sale of the
26 bonds, whichever is higher. Interest shall be payable annually or
27 semiannually.

28 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

Original sponsor: Special Committee on
Banking by request

Offered: 4/5/82
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 H CS FOR SENATE BILL NO. 748 (Finance)

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 interest on state bonds and notes;
7 and providing for an effective date."

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

9 * Section 1. AS 37.15.030 is amended to read:

10 Sec. 37.15.030. INTEREST RATE AND MATURITY. Each issue or series
11 of bonds shall bear interest at an effective rate over the life of the
12 bonds not to exceed 11 [10] percent a year or that rate of interest
13 which is 110 percent of the rate of the Bond Buyer index of 20 Municipal
14 Bond Average Yields for the week previous to the date of sale of the
15 bonds, whichever is higher. The bonds shall mature in not more than 30
16 years from date of issue, unless a longer period is specifically autho-
17 rized by statute.

18 * Sec. 2. AS 37.15.210(b) is amended to read:

19 (b) Refunding bonds and the coupons attached to them are negotiable
20 instruments. The effective rate of interest over the life of refunding
21 bonds may not exceed ¹¹~~10~~ percent a year or that rate of interest which is
22 110 percent of the rate of the Bond Buyer Index of 20 Municipal Bond
23 Average Yields for the week previous to the date of sale of bonds, which
24 ever is higher, and the amount of premium which is paid to effect the
25 redemption of outstanding bonds may not be considered in determining the
26 effective rate of interest.

27 * Sec. 3. AS 37.15.380 is amended to read:

28 Sec. 37.15.380. SALE OF NOTES. Notes issued under this chapter
29 shall be sold by the state bond committee in such manner and at such

1 price or prices as it shall determine, at either public or private sale;
2 however, no such note shall be sold for less than par and accrued inter-
3 est or at an interest rate exceeding 11 [10] percent a year or that rate
4 of interest which is 110 percent of the rate of Bond Buyer Index of 20
5 Municipal Bond Average Yields for the week previous to the date of sale
6 of the notes, whichever is higher.

7 * Sec. 4. AS 37.15.390 is amended to read:

8 Sec. 37.15.390. EXECUTION OF NOTES. Notes for money borrowed in
9 anticipation of receipts from the sale of bonds shall be signed by the
10 governor and countersigned by the lieutenant governor. The governor's
11 and lieutenant governor's signatures [SIGNATURE] may be [A] facsimile
12 signatures [SIGNATURE].

13 * Sec. 5. AS 37.15.450(a) is amended to read:

14 (a) The bonds shall be sold in such amounts or series and at such
15 time or times as determined by the committee. Before selling a series
16 of bonds, the committee shall give notice inviting sealed bids in such
17 manner as it may prescribe. If satisfactory bids are received, the
18 bonds offered for sale shall be awarded to the highest responsible
19 bidder. If the committee determines that the bids received are not
20 satisfactory as to price or responsibility of the bidders, it may reject
21 all bids received. The bonds, or each series of them, shall be sold at
22 such a price so that the effective interest rate over the life of the
23 bonds does not exceed 11 [10] percent per year or that rate of interest
24 which is 125 percent of the rate of the Bond Buyer Index of 20 Municipal
25 Bond Average Yields for the week previous to the date of sale of the
26 bonds, whichever is higher. Interest shall be payable annually or
27 semiannually.

28 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).

Original sponsor: Special Committee on
Banking by request

Offered: 4/5/82
Referred: Rules

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 748 (Finance)

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 interest on state bonds and notes;
7 and providing for an effective date."

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

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13 which is 110 percent of the rate of the Bond Buyer index of 20 Municipal
14 Bond Average Yields for the week previous to the date of sale of the
15 bonds, whichever is higher. The bonds shall mature in not more than 30
16 years from date of issue, unless a longer period is specifically autho-
17 rized by statute.

18 * Sec. 2. AS 37.15.210(b) is amended to read:

19 (b) Refunding bonds and the coupons attached to them are negotiable
20 instruments. The effective rate of interest over the life of refunding
21 bonds may not exceed 10 percent a year or that rate of interest which is
22 110 percent of the rate of the Bond Buyer Index of 20 Municipal Bond
23 Average Yields for the week previous to the date of sale of bonds, which
24 ever is higher, and the amount of premium which is paid to effect the
25 redemption of outstanding bonds may not be considered in determining the
26 effective rate of interest.

27 * Sec. 3. AS 37.15.380 is amended to read:

28 Sec. 37.15.380. SALE OF NOTES. Notes issued under this chapter
29 shall be sold by the state bond committee in such manner and at such

1 price or prices as it shall determine, at either public or private sale;
2 however, no such note shall be sold for less than par and accrued inter-
3 est or at an interest rate exceeding 11 [10] percent a year or that rate
4 of interest which is 110 percent of the rate of Bond Buyer Index of 20
5 Municipal Bond Average Yields for the week previous to the date of sale
6 of the notes, whichever is higher.

7 * Sec. 4. AS 37.15.390 is amended to read:

8 Sec. 37.15.390. EXECUTION OF NOTES. Notes for money borrowed in
9 anticipation of receipts from the sale of bonds shall be signed by the
10 governor and countersigned by the lieutenant governor. The governor's
11 and lieutenant governor's signatures [SIGNATURE] may be [A] facsimile
12 signatures [SIGNATURE].

13 * Sec. 5. AS 37.15.477(a) is amended to read:

14 (a) The bonds shall be sold in such amounts or series and at such
15 time or times as determined by the committee. Before selling a series
16 of bonds, the committee shall give notice inviting sealed bids in such
17 manner as it may prescribe. If satisfactory bids are received, the
18 bonds offered for sale shall be awarded to the highest responsible
19 bidder. If the committee determines that the bids received are not
20 satisfactory as to price or responsibility of the bidders, it may reject
21 all bids received. The bonds, or each series of them, shall be sold at
22 such a price so that the effective interest rate over the life of the
23 bonds does not exceed 11 [10] percent per year or that rate of interest
24 which is 125 percent of the rate of the Bond Buyer Index of 20 Municipal
25 Bond Average Yields for the week previous to the date of sale of the
26 bonds, whichever is higher. Interest shall be payable annually or
27 semiannually.

28 * Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).