

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 8

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MIDWIFERY; AMENDING SECTION 54-5503, IDAHO CODE, TO REVISE
2 PROVISIONS REGARDING THE BOARD OF MIDWIFERY, TO PROVIDE FOR ANNUAL
3 ELECTION OF A CHAIRPERSON, AND TO MAKE TECHNICAL CORRECTIONS; AMEND-
4 ING SECTION 54-5505, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE
5 LIST OF FORMULARY DRUGS THAT MIDWIVES ARE AUTHORIZED TO USE AND TO MAKE
6 TECHNICAL CORRECTIONS; AMENDING SECTION 54-5506, IDAHO CODE, TO REMOVE
7 OBSOLETE LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION
8 54-5507, IDAHO CODE, TO REMOVE OBSOLETE LANGUAGE AND TO MAKE TECHNICAL
9 CORRECTIONS; AMENDING SECTION 54-5511, IDAHO CODE, TO CLARIFY LAN-
10 GUAGE; AND PROVIDING A SUNSET DATE.
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 54-5503, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 54-5503. BOARD OF MIDWIFERY CREATED. (1) There is hereby established
16 in the department of self-governing agencies, bureau of occupational li-
17 censes, a board of midwifery.

18 (2) The board shall consist of five (5) members appointed by the gover-
19 nor, three (3) of whom shall be licensed pursuant to this chapter, one (1) of
20 whom shall be a licensed physician who is board-certified in either obstet-
21 rics/gynecology or family medicine, maintains current hospital privileges
22 and has provided primary maternity care for at least twenty (20) births in
23 the twelve (12) months prior to the appointment, and one (1) of whom shall
24 be a member of the public with an interest in the rights of consumers of mid-
25 wifery services.

26 (3) ~~One (1) member of the initial board shall be appointed for a one (1)-~~
27 ~~year term of office, one (1) member of the initial board shall be appointed~~
28 ~~for a two (2) year term of office, one (1) member of the initial board shall~~
29 ~~be appointed for a three (3) year term of office, one (1) member shall be ap-~~
30 ~~pointed for a four (4) year term of office and one (1) member of the initial~~
31 ~~board shall be appointed for a five (5) year term of office. Thereafter, t~~
32 ~~The~~ term of office for each board member shall be five (5) years.

33 (4) In making appointments to the board, the governor's selection shall
34 not be limited to nominations he receives; however, consideration shall be
35 given to recommendations made by the Idaho midwifery council and Idahoans
36 for midwives.

37 (5) ~~The initial three (3) licensed midwife board members shall have at~~
38 ~~least three (3) years of experience in the practice of midwifery, shall hold~~
39 ~~current CPM certification and shall be eligible to become licensed pursuant~~
40 ~~to this chapter.~~

41 (6) The three (3) board members who are licensed midwives shall be li-
42 censed pursuant to this chapter, shall actively practice midwifery in the

1 state of Idaho for the duration of their appointment and shall have been a
 2 practicing midwife in the state of Idaho for at least three (3) years immedi-
 3 ately preceding their appointment.

4 (76) In the event of the death, resignation or removal of any board mem-
 5 ber before the expiration of the term to which he is appointed, the vacancy
 6 shall be filled for the unexpired portion of the term in the same manner as
 7 the original appointment.

8 (87) Board members shall serve at the pleasure of the governor.

9 (98) ~~Within thirty (30) days after its appointment, the initial board~~
 10 ~~shall hold a meeting and elect a chairperson.~~ The board shall meet at least
 11 annually thereafter and elect a chairperson, and may hold additional meet-
 12 ings at the call of the chairperson or at the written request of any two (2)
 13 members of the board. A majority of the board shall constitute a quorum. The
 14 vote of a majority of members present at a meeting wherein a quorum is present
 15 shall determine the action of the board.

16 SECTION 2. That Section 54-5505, Idaho Code, be, and the same is hereby
 17 amended to read as follows:

18 54-5505. RULEMAKING. (1) The rules adopted by the board shall:

19 (a) Allow a midwife to obtain and administer, during the practice of
 20 midwifery, the following:

21 (i) Oxygen;

22 (ii) Oxytocin and cytotec, misoprostol, and methylergonovine as
 23 postpartum antihemorrhagic agents;

24 (iii) Injectable local anesthetic for the repair of lacerations
 25 that are no more extensive than second degree;

26 (iv) Antibiotics to the mother for group b streptococcus prophy-
 27 laxis consistent with guidelines of the United States centers for
 28 disease control and prevention;

29 (v) Epinephrine to the mother administered ~~via a metered dose~~
 30 ~~auto-injector for anaphylactic shock~~;

31 (vi) Intravenous fluids for stabilization of the woman;

32 (vii) Rho (d) immune globulin;

33 (viii) Vitamin K Phytonadione; and

34 (ix) Eye prophylactics to the baby.

35 (b) Prohibit the use of other legend drugs, except those of a similar
 36 nature and character as determined by the board to be consistent with
 37 the practice of midwifery; provided that, at least one hundred twenty
 38 (120) days' advance notice of the proposal to allow the use of such drugs
 39 is given to the board of pharmacy and the board of medicine and neither
 40 board objects to the addition of such drugs to the midwifery formulary;

41 (c) Define a protocol for use by licensed midwives of drugs approved
 42 in paragraphs (a) and (b) of this subsection that shall include methods
 43 of obtaining, storing and disposing of such drugs and an indication for
 44 use, dosage, route of administration and duration of treatment;

45 (d) Define a protocol for medical waste disposal; and

46 (e) Establish scope and practice standards for antepartum, intra-
 47 partum, postpartum and newborn care that shall, at a minimum:

1 (i) Prohibit a licensed midwife from providing care for a client
2 with a history of disorders, diagnoses, conditions or symptoms
3 that include:

- 4 1. Placental abnormality;
- 5 2. Multiple gestation, except that midwives may provide an-
6 tepartum care that is supplementary to the medical care of
7 the physician overseeing the pregnancy, ~~se~~ as long as it does
8 not interfere with the physician's recommended schedule of
9 care;
- 10 3. Noncephalic presentation at the onset of labor or rupture
11 of membranes, whichever occurs first;
- 12 4. Birth under thirty-seven and zero-sevenths (37 0/7)
13 weeks and beyond forty-two and zero-sevenths (42 0/7) weeks
14 gestational age;
- 15 5. A history of more than one (1) prior cesarean section,
16 a cesarean section within eighteen (18) months of the esti-
17 mated due date or any cesarean section that was surgically
18 closed with a classical or vertical uterine incision;
- 19 6. Platelet sensitization, hematological or coagulation
20 disorders;
- 21 7. A body mass index of forty (40.0) or higher at the time of
22 conception;
- 23 8. Prior chemotherapy and/or radiation treatment for a ma-
24 lignancy;
- 25 9. Previous pre-eclampsia resulting in premature delivery;
- 26 10. Cervical insufficiency;
- 27 11. HIV positive status; or
- 28 12. Opiate use that places the infant at risk of neonatal ab-
29 stinence syndrome.

30 (ii) Prohibit a licensed midwife from providing care for a client
31 with a history of the following disorders, diagnoses, conditions
32 or symptoms unless such disorders, diagnoses, conditions or symp-
33 toms are being treated, monitored or managed by a licensed health
34 care provider:

- 35 1. Diabetes;
- 36 2. Thyroid disease;
- 37 3. Epilepsy;
- 38 4. Hypertension;
- 39 5. Cardiac disease;
- 40 6. Pulmonary disease;
- 41 7. Renal disease;
- 42 8. Gastrointestinal disorders;
- 43 9. Previous major surgery of the pulmonary system, cardio-
44 vascular system, urinary tract or gastrointestinal tract;
- 45 10. Abnormal cervical cytology;
- 46 11. Sleep apnea;
- 47 12. Previous bariatric surgery;
- 48 13. Hepatitis;
- 49 14. History of illegal drug use or excessive prescription
50 drug use; or

1 15. Rh or other blood group disorders and a physician deter-
2 mines the pregnancy can safely be attended by a midwife.

3 (iii) Require a licensed midwife to recommend that a client see
4 a physician licensed under chapter 18, title 54, Idaho Code, or
5 under an equivalent provision of the law of a state bordering
6 Idaho and to document and maintain a record as required by section
7 54-5511, Idaho Code, if such client has a history of disorders,
8 diagnoses, conditions or symptoms that include:

- 9 1. Previous complicated pregnancy;
- 10 2. Previous cesarean section;
- 11 3. Previous pregnancy loss in second or third trimester;
- 12 4. Previous spontaneous premature labor;
- 13 5. Previous pre-term rupture of membranes;
- 14 6. Previous pre-eclampsia;
- 15 7. Previous hypertensive disease of pregnancy;
- 16 8. Parvo;
- 17 9. Toxo;
- 18 10. CMV;
- 19 11. HSV;
- 20 12. Previous maternal/newborn group b streptococcus infec-
21 tion;
- 22 13. A body mass index of at least thirty-five (35.0) but less
23 than forty (40.0) at the time of conception;
- 24 14. Underlying family genetic disorders with potential for
25 transmission; or
- 26 15. Psychosocial situations that may complicate pregnancy.

27 (iv) Require that a licensed midwife shall facilitate the immedi-
28 ate transfer to a hospital for emergency care for disorders, diag-
29 noses, conditions or symptoms that include:

- 30 1. Maternal fever in labor;
- 31 2. Suggestion of fetal jeopardy such as bleeding or meconium
32 or abnormal fetal heart tones;
- 33 3. Noncephalic presentation at the onset of labor or rup-
34 ture of membranes, whichever occurs first, unless imminent
35 delivery is safer than transfer;
- 36 4. Second stage labor after two (2) hours of initiation of
37 pushing when the mother has had a previous cesarean section;
- 38 5. Current spontaneous premature labor;
- 39 6. Current pre-term premature rupture of membranes;
- 40 7. Current pre-eclampsia;
- 41 8. Current hypertensive disease of pregnancy;
- 42 9. Continuous uncontrolled bleeding;
- 43 10. Bleeding which necessitates the administration of more
44 than two (2) doses of oxytocin or other antihemorrhagic
45 agent;
- 46 11. Delivery injuries to the bladder or bowel;
- 47 12. Grand mal seizure;
- 48 13. Uncontrolled vomiting;
- 49 14. Coughing or vomiting of blood;
- 50 15. Severe chest pain; or

1 16. Sudden onset of shortness of breath and associated la-
2 bored breathing.

3 A transfer of care shall be accompanied by the client's medical
4 record, the licensed midwife's assessment of the client's current
5 condition and a description of the care provided by the licensed
6 midwife prior to transfer;

7 (v) Establish a written plan for the emergency transfer and
8 transport required in subparagraph (iv) of this paragraph and for
9 notifying the hospital to which a client will be transferred in
10 the case of an emergency. If a client is transferred in an emer-
11 gency, the licensed midwife shall notify the hospital when the
12 transfer is initiated and accompany the client to the hospital if
13 feasible, or communicate by telephone with the hospital if unable
14 to be present personally, and shall provide the client's medi-
15 cal record. The record shall include the client's name, address,
16 list of diagnosed medical conditions, list of prescription or
17 over-the-counter medications regularly taken, history of previ-
18 ous allergic reactions to medications, if feasible the client's
19 current medical condition and description of the care provided by
20 the midwife and next of kin contact information. A midwife who
21 deems it necessary to transfer or terminate care pursuant to this
22 section and any rules promulgated under this section or for any
23 other reason shall transfer or terminate care and shall not be
24 regarded as having abandoned care or wrongfully terminated ser-
25 vices. Before nonemergent discontinuing of services, the midwife
26 shall notify the client in writing, provide the client with names
27 of licensed physicians and contact information for the nearest
28 hospital emergency room and offer to provide copies of medical
29 records regardless of whether copying costs have been paid by the
30 client.

31 (f) Establish and operate a system of peer review for licensed midwives
32 that shall include, but not be limited to, the appropriateness, qual-
33 ity, utilization and the ethical performance of midwifery care.

34 (2) The rules adopted by the board may not:

35 (a) Require a licensed midwife to have a nursing degree or diploma;

36 (b) Except as a condition imposed by disciplinary proceedings by the
37 board, require a licensed midwife to practice midwifery under the su-
38 pervision of another health care provider;

39 (c) Except as a condition imposed in disciplinary proceedings by the
40 board, require a licensed midwife to enter into an agreement, written or
41 otherwise, with another health care provider;

42 (d) Limit the location where a licensed midwife may practice midwifery;

43 (e) Allow a licensed midwife to use vacuum extraction or forceps as an
44 aid in the delivery of a newborn;

45 (f) Grant a licensed midwife prescriptive privilege;

46 (g) Allow a licensed midwife to perform abortions.

47 SECTION 3. That Section 54-5506, Idaho Code, be, and the same is hereby
48 amended to read as follows:

1 54-5506. LICENSURE -- PENALTY. (1) The board shall grant a license to
 2 any person who submits a completed application, pays the required license
 3 fee as established by the board and meets the qualifications set forth in
 4 section 54-5507, Idaho Code.

5 (2) All licenses issued under this chapter shall be for a term of one
 6 (1) year and shall expire on the birthday of the licensee unless renewed in
 7 the manner prescribed by rule. Except as set forth in this chapter, rules
 8 governing procedures and conditions for license renewal and reinstatement
 9 shall be in accordance with section 67-2614, Idaho Code.

10 (3) It is a misdemeanor for any person to assume or use the title or des-
 11 ignation "licensed midwife," "L.M." or any other title, designation, words,
 12 letters, abbreviations, sign, card or device to indicate to the public that
 13 such person is licensed to practice midwifery pursuant to this chapter un-
 14 less such person is so licensed. Any person who pleads guilty to or is found
 15 guilty of a second or subsequent offense under this subsection ~~(3)~~ shall be
 16 guilty of a felony.

17 (4) Except as provided in section 54-5508, Idaho Code, ~~on and after July~~
 18 ~~1, 2010,~~ it shall be a misdemeanor for any person to engage in the practice
 19 of midwifery without a license. Any person who pleads guilty to or is found
 20 guilty of a second or subsequent offense under this subsection ~~(4)~~ shall be
 21 guilty of a felony.

22 SECTION 4. That Section 54-5507, Idaho Code, be, and the same is hereby
 23 amended to read as follows:

24 54-5507. QUALIFICATIONS FOR LICENSURE. ~~(1)~~ A person shall be eligible
 25 to be licensed as a midwife if the person:

26 ~~(a1)~~ Provides proof of current certification as a CPM by NARM or a suc-
 27 cessor organization;

28 ~~(b2)~~ Files a board-approved application for licensure and pays the re-
 29 quired fees; and

30 ~~(e3)~~ Provides documentation of successful completion of board-ap-
 31 proved MEAC accredited courses in pharmacology, the treatment of shock/IV
 32 therapy and suturing specific to midwives.

33 ~~(2) For any midwife who has been continuously practicing midwifery in~~
 34 ~~Idaho for at least five (5) years prior to July 1, 2009, the qualifications~~
 35 ~~for licensure in subsection (1) (a) of this section may be waived by the board~~
 36 ~~if such midwife provides the following documentation to the board:~~

37 ~~(a) Primary attendance at seventy-five (75) births within the past ten~~
 38 ~~(10) years, ten (10) of which occurred in the two (2) years immediately~~
 39 ~~preceding the application for licensure; and~~

40 ~~(b) In addition to the completion of the courses listed in subsection~~
 41 ~~(1) (c) of this section, successful completion of board approved courses~~
 42 ~~in CPR and neonatal resuscitation; and~~

43 ~~(c) Complete practice data for the two (2) years preceding the applica-~~
 44 ~~tion for licensure, on a form provided by the board.~~

45 ~~(3) Any midwife who wishes to qualify for the waiver provided in subsec-~~
 46 ~~tion (2) of this section shall apply for licensure and provide the required~~
 47 ~~documentation before July 1, 2010.~~

1 SECTION 5. That Section 54-5511, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 54-5511. DISCLOSURE AND RECORDKEEPING -- LICENSE RENEWAL. (1) Before
4 initiating care, a licensed midwife shall obtain a signed informed consent
5 agreement from each client, acknowledging receipt, at minimum, of the fol-
6 lowing:

- 7 (a) The licensed midwife's training and experience;
8 (b) Instructions for obtaining a copy of the rules adopted by the board
9 pursuant to this chapter;
10 (c) Instructions for obtaining a copy of the NACPM essential documents
11 and NARM job description;
12 (d) Instructions for filing complaints with the board;
13 (e) Notice of whether or not the licensed midwife has professional lia-
14 bility insurance coverage;
15 (f) A written protocol for emergencies, including hospital transport
16 that is specific to each individual client;
17 (g) A description of the procedures, benefits and risks of home birth,
18 primarily those conditions that may arise during delivery; and
19 (h) Any other information required by board rule.

20 (2) All licensed midwives shall maintain a record of all signed in-
21 formed consent agreements for each client for a minimum of nine (9) years
22 after the last day of care for such client.

23 (3) Before providing care for a client who has a history of disorders,
24 diagnoses, conditions or symptoms identified in section 54-5505(1) (e) (ii),
25 Idaho Code, the licensed midwife shall provide written notice to the client
26 that the client shall obtain care from a physician licensed pursuant to chap-
27 ter 18, title 54, Idaho Code, as a condition to her eligibility to obtain ma-
28 ternity care from the licensed midwife. Before providing care for a client
29 who has a history of disorders, diagnoses, conditions or symptoms identi-
30 fied in section 54-5505(1) (e) (iii), Idaho Code, or who has had a previous
31 cesarean section, the licensed midwife shall provide written notice to the
32 client that the client is advised to consult with a physician licensed pur-
33 suant to chapter 18, title 54, Idaho Code, during her pregnancy. The midwife
34 shall obtain the client's signed acknowledgment of receipt of said notice.

35 (4) Any licensed midwife submitting an application to renew a license
36 shall compile and submit to the board complete practice data for the ~~twelve~~
37 ~~(12) months immediately~~ calendar year preceding the date of the application.
38 Such information shall be provided in form and content as prescribed by rule
39 of the board and shall include, but not be limited to:

- 40 (a) The number of clients to whom care has been provided by the licensed
41 midwife;
42 (b) The number of deliveries performed by the licensed midwife;
43 (c) The apgar scores of the infants delivered by the licensed midwife;
44 (d) The number of prenatal transfers;
45 (e) The number of transfers during labor, delivery and immediately fol-
46 lowing birth;
47 (f) Any perinatal deaths; and
48 (g) Other morbidity statistics as required by the board.

1 SECTION 6. The provisions of this act shall be null, void and of no force
2 and effect on and after July 1, 2024.