

HOUSE BILL 587

IN THE HOUSE

February 6, 1979

Introduced and referred to
Committee on Human Services.

February 19, 1979

Committee recommend bill, do not
pass.

February 20, 1979

Report adopted.

1 House BILL NO. 587
 2 INTRODUCED BY Walton Almon Holmes Esq

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REGULATE THE
 5 PRACTICE OF MIDWIFERY; ESTABLISHING LICENSING PROCEDURES;
 6 ESTABLISHING A BOARD OF MIDWIVES; AND GRANTING RULEMAKING
 7 AUTHORITY."

8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Board of midwives. (1) There is a board of
 11 midwives that shall act in an advisory capacity to the
 12 department of health and environmental sciences.

13 (2) The board consists of nine members appointed by
 14 the governor. The members are:

15 (a) two licensed midwives who are residents of the
 16 state and who have practiced as midwives in this state or
 17 some other state for at least 1 year; or, if no such persons
 18 are available, then any combination of two of the following
 19 persons:

- 20 (i) a licensed midwife;
- 21 (ii) a registered nurse certified by the board of
- 22 nursing as a qualified nurse-midwife;
- 23 (iii) a registered professional nurse;
- 24 (iv) a licensed practical nurse;
- 25 (v) a licensed physician;

1 (b) one nurse-midwife certified by the American
 2 college of nurse-midwives; or, if no such person is
 3 available, then one registered professional nurse;

4 (c) two members of the lay public who have
 5 demonstrated active interest in health services to pregnant
 6 women;

7 (d) one licensed physician; and

8 (e) three health educators interested in training
 9 midwives.

10 (3) The board is allocated to the department for
 11 administrative purposes only as prescribed in 2-15-121.

12 Section 2. Definitions. Unless the context requires
 13 otherwise, in [sections 2 through 5] the following
 14 definitions apply:

15 (1) "Board" means the board of midwives provided for
 16 in [this act].

17 (2) "Department" means the department of health and
 18 environmental sciences provided for in Title 2, chapter 15,
 19 part 21.

20 (3) "Midwife" means a person attending women in
 21 childbirth on a regular basis with or without pay and who is
 22 licensed under [this act].

23 (4) "Practice of midwifery" means the obstetrical
 24 management and care of a woman and her infant during the
 25 prenatal, intrapartum, and postpartum periods of normal

1 childbirth.

2 Section 3. Who may attend women in childbirth. (1) No
3 person may attend women in childbirth on a regular basis,
4 with or without pay, except the following:

5 (a) a physician;

6 (b) a registered professional nurse who is certified
7 as a nurse-midwife by the American college of nurse-midwives
8 and the board of nursing pursuant to 37-8-409;

9 (c) a midwife licensed under [section 4].

10 Section 4. Licensing requirements. (1) A person may
11 obtain a license to practice midwifery by applying in
12 writing to the department on a form supplied by the
13 department and furnishing such information as may be
14 required by the department.

15 (2) Except as provided in subsection (3), a person
16 applying for a license to practice midwifery must pass
17 written, oral, and practical examinations in subjects that
18 the board determines, including but not limited to
19 chemistry, anatomy, physiology, obstetrics, pathology,
20 detection and screening, pediatrics, gynecology, psychology,
21 applied pharmacology, sociology and social medics, ethics,
22 family planning, home birth practice, hospital labor, and
23 delivery room procedures.

24 (3) The department may issue a license to practice as
25 a midwife without examination to an applicant who has been

1 licensed or certified as a midwife under the laws of another
2 state or territory, if in the opinion of the department the
3 applicant meets the requirements for midwives in this state.

4 (4) The department shall grant a midwife's license to
5 a person meeting the qualifications prescribed by this
6 section upon payment of a fee of \$20. The license expires
7 on June 30 of the following calendar year. A license may be
8 renewed each succeeding year by applying to the department
9 and paying a fee of \$15.

10 Section 5. Powers and duties of the department. The
11 department shall:

12 (1) adopt rules in accordance with the Montana
13 Administrative Procedure Act necessary for the
14 implementation, continuation, and enforcement of [this act],
15 including rules:

16 (a) necessary to assure that any person holding a
17 midwife license is free from communicable disease;

18 (b) prescribing, consistent with [sections 2 through
19 5] and the laws of this state, the duties, training, and
20 limitations of the practice of midwifery, including training
21 through apprenticeship under a midwife certified or licensed
22 under the laws of this or any other state, or under a
23 licensed physician;

24 (c) prescribing reasonable and necessary minimum
25 qualifications for midwives, including graduation from high

1 school or satisfactory completion of the general educational
2 development test, knowledge of those subjects in [section
3 4]; knowledge of the fundamentals of hygiene; knowledge of
4 the laws of the state concerning reporting of births,
5 prenatal blood tests, and of the regulations pertaining to
6 midwifery; and the ability to recognize abnormal conditions
7 during labor;
8 (d) providing reasonable and necessary safeguards for
9 the health and safety of the mother and child.
10 (2) confer with the board on the licensing of midwives
11 and on other matters relating to [this act].

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