

House Bill 514

In The House

January 27, 1981	Introduced and referred to Committee on Business and Industry.
January 29, 1981	Rereferred to Committee on Human Services. Fiscal note requested.
February 3, 1981	Fiscal note returned.
February 11, 1981	Committee recommend bill do not pass.
February 13, 1981	Rereferred to Committee on Human Services.
February 24, 1981	Committee recommend bill do not pass as amended.

HOUSE BILL NO. 514

INTRODUCED BY *William Ryan Ryan Ryan, Halligan Mike Anderson Burnett Waldron*

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

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

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

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

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

- (i) a licensed midwife;
(ii) a registered nurse certified by the board of nursing as a qualified nurse-midwife;
(iii) a registered professional nurse;
(iv) a licensed practical nurses;
(v) a licensed physician;

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

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

(d) one licensed physician; and

(e) three health educators interested in training midwives.

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

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

(1) "Board" means the board of midwives provided for in [section 1].

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

(3) "Midwife" means a person engaged in the practice of midwifery on a regular basis with or without pay.

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

INTRODUCED BILL

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1 Section 3. Who may attend women in childbirth. No
2 person may engage in the practice of midwifery on a regular
3 basis, with or without pay, except the following:

- 4 (1) a licensed physician;
- 5 (2) a registered professional nurse who is certified
6 by the board of nursing under 37-8-409; or
- 7 (3) a midwife licensed under [section 4].

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

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

20 (3) The department may issue a license to practice as
21 a midwife without examination to an applicant who has been
22 licensed or certified as a midwife under the laws of another
23 state or territory if, in the opinion of the department, the
24 applicant meets the requirements for midwives in this state.

25 (4) The department shall grant a midwife's license to

1 a person meeting the qualifications prescribed by this
2 section upon payment of a fee of \$20. The license expires
3 on June 30 of the following year. A license may be renewed
4 each succeeding year by applying to the department and
5 paying a fee of \$15.

6 Section 5. Powers and duties of the department. The
7 department shall:

8 (1) adopt rules in accordance with the Montana
9 Administrative Procedure Act necessary for the
10 implementation, continuation, and enforcement of [sections 2
11 through 5], including rules:

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

14 (b) prescribing, consistent with [sections 2 through
15 5] and the laws of this state, the duties, training, and
16 limitations of the practice of midwifery, including training
17 through apprenticeship under a midwife certified or licensed
18 under the laws of this or any other state or under a
19 licensed physician;

20 (c) prescribing reasonable and necessary minimum
21 qualifications for midwives, including graduation from high
22 school or satisfactory completion of the general educational
23 development test; knowledge of those subjects in [section
24 4]; knowledge of the fundamentals of hygiene; knowledge of
25 the laws of the state concerning reporting of births and

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1 prenatal blood tests and of the regulations pertaining to
2 midwifery; and the ability to recognize abnormal conditions
3 during labor; and

4 (d) providing reasonable and necessary safeguards for
5 the health and safety of the mother and child;

6 (2) confer with the board on the licensing of midwives
7 and on other matters relating to [sections 2 through 5].

-End-

HB 514

STATE OF MONTANA

REQUEST NO. 250-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 29, 19 81, there is hereby submitted a Fiscal Note for House Bill 514 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to regulate the practice of midwifery; establishing licensing procedures; establishing a board of midwives; and granting rulemaking authority.

Assumptions

1. Inflation will continue at 15% per annum.
2. There may be approximately 10 people applying for licensure.
3. A nine-member board will be established to advise the Department of Health and Environmental Sciences. This board will meet four days per year.

Fiscal Impact

Revenue will be generated from the licensing activity in the amount of \$200 per year. The \$200 per year estimate assumes that it will not be the same 10 people each year.

Expenditures:	<u>FY 1982</u>	<u>FY 1983</u>
Travel	\$ 1,200	\$ 1,300
Per Diem	1,600	1,744
Telephone	100	109
Supplies and Postage	300	318
Cost of Exam	<u>100</u>	<u>109</u>
Total	\$ 3,300	\$ 3,588

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-3-81

Approved by Comm. On Human Services

1 HOUSE BILL NO. 514

2 INTRODUCED BY DUSSAULT, RYAN, REGAN,

3 M. ANDERSON, WALDRON, BURNETT, HALLIGAN

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

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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12 midwives that shall act in an advisory capacity to the
13 department of health and environmental sciences.

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

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

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

1 (v) a licensed physician;

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

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

8 (d) one licensed physician; and

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

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

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

16 (1) "Board" means the board of midwives provided for
17 in [section 1].

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

21 (3) "Midwife" means a person engaged in the practice
22 of midwifery on a regular basis with or without pay.

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. No

3 person may engage in the practice of midwifery on a regular

4 basis, with or without pay, except the following:

5 (1) a licensed physician;

6 (2) a registered professional nurse who is certified

7 by the board of nursing under 37-8-409; or

8 (3) a midwife licensed CERTIFIED under [section 4].

9 Section 4. Licensing CERTIFICATION requirements. ~~{1}~~A

10 person ~~may obtain a license to practice midwifery by~~

11 ~~applying in writing to the department on a form supplied by~~

12 ~~the department and furnishing the required information. {1}~~

13 A PERSON MAY OBTAIN A CERTIFICATE TO PRACTICE MIDWIFERY BY

14 APPLYING IN WRITING TO THE DEPARTMENT ON A FORM SUPPLIED BY

15 THE DEPARTMENT, FURNISHING THE REQUIRED INFORMATION, AND

16 FULFILLING THE REQUIREMENTS SET FORTH IN THIS SECTION.

17 ~~{2}~~ ~~Except as provided in subsection {3}, a person~~

18 ~~applying for a license to practice midwifery must pass~~

19 ~~written, oral, and practical examinations in subjects that~~

20 ~~the board determines, including but not limited to, anatomy~~

21 ~~physiology, obstetrics, pathology, detection and screening~~

22 ~~pediatrics, gynecology, applied pharmacology, sociology, and~~

23 ~~social medicine, ethics, family planning, home birth practices,~~

24 ~~and hospital labor and delivery room procedures. {2} THE~~

25 APPLICANT FOR CERTIFICATION SHALL PRESENT TO THE DEPARTMENT,

1 AT LEAST 45 DAYS PRIOR TO EXAMINATION, WRITTEN PROOF OF

2 GRADUATION FROM HIGH SCHOOL OR ITS EQUIVALENT AS DETERMINED

3 BY THE OFFICE OF PUBLIC INSTRUCTION.

4 {3} THE APPLICANT SHALL ALSO PRESENT A CERTIFICATE OR

5 DIPLOMA FROM A MIDWIFE TRAINING PROGRAM APPROVED BY THE

6 BOARD, PURSUANT TO THIS SECTION.

7 {4} THE BOARD SHALL SET STANDARDS FOR APPROVING A

8 MIDWIFE TRAINING PROGRAM WHICH SHALL INCLUDE BUT NOT BE

9 LIMITED TO THE FOLLOWING AREAS:

10 {A} ANATOMY, PHYSIOLOGY, GYNECOLOGY, GENETICS, AND

11 EMBRYOLOGY;

12 {B} PSYCHOLOGY;

13 {C} PRENATAL CARE AND SCREENING OF THE HIGH RISK

14 PATIENT;

15 {D} NUTRITION;

16 {E} LABOR AND ITS COMPLICATIONS;

17 {F} ASEPSIS;

18 {G} CARE OF THE NEWBORN;

19 {H} BIRTH DEFECTS, INFIRMITIES AND INFECTIONS;

20 {I} FAMILY RELATIONS, PARENTING AND PREPARATION FOR

21 CHILDBIRTH;

22 {J} POSTPARTUM;

23 {K} HOSPITAL LABOR AND DELIVERY ROOM PROCEDURES; AND

24 {L} ETHICS AND RESPONSIBILITIES.

25 {5} AN APPLICANT SHALL, IN ADDITION, PRESENT

1 VERIFICATION OF PARTICIPATION IN THE PRENATAL CARE,
2 DELIVERY, AND POSTNATAL CARE OF 20 WOMEN AND INFANTS UNDER
3 THE SUPERVISION OF A PHYSICIAN OR CERTIFIED MIDWIFE.

4 (6) THE BOARD MAY REQUIRE CERTIFICATION AS AN
5 EMERGENCY MEDICAL TECHNICIAN.

6 (7) EXCEPT AS PROVIDED IN SUBSECTION (8), THE PERSON
7 APPLYING FOR CERTIFICATION MUST PASS THOSE WRITTEN, ORAL,
8 AND PRACTICAL EXAMINATIONS THAT THE BOARD DETERMINES
9 NECESSARY.

10 ~~(3)~~(8) The department may issue a ~~license~~ CERTIFICATE
11 to practice as a midwife without examination to an applicant
12 who has been licensed or certified as a midwife under the
13 laws of another state or territory if, in the opinion of the
14 department, the applicant meets the requirements for
15 midwives in this state.

16 ~~(4)~~(9) The department shall grant a midwife's license
17 to a person meeting the qualifications prescribed by this
18 section upon payment of a fee of \$20. The license expires on
19 June 30 of the following year. A license may be renewed each
20 succeeding year by applying to the department and paying a
21 fee of \$15.

22 Section 5. Powers and duties of the department. The
23 department shall:

24 (1) adopt rules in accordance with the Montana
25 Administrative Procedure Act necessary for the

1 implementation, continuation, and enforcement of [sections 2
2 through 5], including rules:

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

5 ~~(b)--prescribing--consistent--with--[sections 2--through~~
6 ~~5]--and--the--laws--of--this--state--the--duties--training--and~~
7 ~~limitations--of--the--practice--of--midwifery--including--training~~
8 ~~through--apprenticeship--under--a--midwife--certified--or--licensed~~
9 ~~under--the--laws--of--this--or--any--other--state--or--under--a~~
10 ~~licensed--physician; (B) PRESCRIBING REQUIREMENTS CONSISTENT~~
11 ~~WITH [SECTIONS 2 THROUGH 5] AND THE LAWS OF THIS STATE THE~~
12 ~~DUTIES, TRAINING, AND LIMITATIONS OF THE PRACTICE OF~~
13 ~~MIDWIFERY;~~

14 ~~(c)--prescribing--reasonable--and--necessary--minimum~~
15 ~~qualifications--for--midwives--including--graduation--from--high~~
16 ~~school--or--satisfactory--completion--of--the--general--educational~~
17 ~~development--tests--knowledge--of--those--subjects--in--[section~~
18 ~~4]--knowledge--of--the--fundamentals--of--hygiene--knowledge--of~~
19 ~~the--laws--of--the--state--concerning--reporting--of--births--and~~
20 ~~prenatal--blood--tests--and--of--the--regulations--pertaining--to~~
21 ~~midwifery--and--the--ability--to--recognize--abnormal--conditions~~
22 ~~during--labor--and (C) PRESCRIBING REASONABLE AND NECESSARY~~
23 ~~MINIMUM QUALIFICATIONS FOR MIDWIVES; KNOWLEDGE OF THOSE~~
24 ~~SUBJECTS IN [SECTION 4]; KNOWLEDGE OF THE LAWS OF THE STATE~~
25 ~~CONCERNING REPORTING OF BIRTHS AND PRENATAL BLOOD TESTS, AND~~

1 OF THE REGULATIONS PERTAINING TO MIDWIFERY; AND

2 (d) providing reasonable and necessary safeguards for
3 the health and safety of the mother and child;

4 (2) confer with the board on the licensing of midwives
5 and on other matters relating to [sections 2 through 5].

6 SECTION 6. LIMITED PRACTICE. NOTHING IN SECTIONS 1
7 THROUGH 51 MAY BE CONSIDERED TO REQUIRE THAT CERTIFIED
8 MIDWIVES BE ALLOWED TO PRACTICE IN A PUBLIC OR PRIVATE
9 HOSPITAL SETTING.

-End-