

HOUSE BILL 1202

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3lr1687

By: **Delegates A. Kelly, Afzali, Beidle, Carr, Cullison, George, Gutierrez, Haddaway–Riccio, Hogan, Hough, Hubbard, Hucker, Ivey, Kaiser, Kipke, Luedtke, Mizeur, Parrott, Pena–Melnyk, Ready, B. Robinson, S. Robinson, Stein, Stocksdale, V. Turner, and M. Washington**

Introduced and read first time: February 8, 2013

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Certified Professional Midwives – Pilot Program**

3 FOR the purpose of authorizing an individual to practice as a certified professional
4 midwife in the State if the individual meets certain requirements; requiring the
5 Department of Health and Mental Hygiene to adopt certain regulations for the
6 certification of midwives in the State; requiring certain regulations to be
7 consistent with certain standards and to include certain standards for the
8 administration of certain substances; prohibiting certain regulations from
9 requiring certain agreements, certain supervision, or certain assessments;
10 prohibiting certain regulations from limiting certain practice settings;
11 authorizing the Department to set certain fees for certain purposes; requiring
12 certain individuals to be certified before practicing midwifery in the State;
13 providing certain exceptions to the requirement for certification; requiring
14 certified professional midwives to file a certain birthing plan with the
15 Department; requiring the Department to verify certain credentials and
16 maintain a certain record on its Web site; providing for the construction of this
17 Act; requiring the Department to submit a certain report and recommendations
18 to the General Assembly on or before a certain date; providing for the
19 termination of this Act; defining certain terms; and generally relating to the
20 certification of midwives by the Department of Health and Mental Hygiene.

21 BY adding to

22 Article – Health Occupations

23 Section 6–101 through 6–109 to be under the new title “Title 6. Certified
24 Professional Midwives”

25 Annotated Code of Maryland

26 (2009 Replacement Volume and 2012 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health Occupations**

4 **TITLE 6. CERTIFIED PROFESSIONAL MIDWIVES.**

5 **6–101.**

6 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
7 INDICATED.

8 (B) “CERTIFIED PROFESSIONAL MIDWIFE” MEANS AN INDIVIDUAL WHO
9 IS CERTIFIED TO PRACTICE MIDWIFERY IN THE STATE UNDER § 6–102 OF THIS
10 TITLE.

11 (C) (1) “MIDWIFERY” MEANS PROVIDING MATERNITY CARE FOR
12 WOMEN DURING THE ANTEPARTUM, INTRAPARTUM, AND POSTPARTUM PERIOD.

13 (2) “MIDWIFERY” INCLUDES:

14 (I) THE INDEPENDENT MANAGEMENT OF DELIVERIES AND
15 CARE FOR THE NEWBORN;

16 (II) THE DETECTION OF ABNORMAL CONDITIONS IN THE
17 MOTHER AND THE NEWBORN;

18 (III) THE EXECUTION OF EMERGENCY MEASURES IN A
19 LIFE–THREATENING SITUATION;

20 (IV) THE POSSESSION AND DISPENSING OF LIFESAVING
21 MEDICATIONS AND OTHER SUBSTANCES USED IN THE PRACTICE OF MIDWIFERY
22 IN THE COURSE OF TREATING A MOTHER OR A NEWBORN IN ACCORDANCE WITH
23 THE STANDARDS FOR PRACTICE OF THE NATIONAL ASSOCIATION OF
24 CERTIFIED PROFESSIONAL MIDWIVES; AND

25 (V) WELL WOMAN CARE AND FAMILY PLANNING.

26 **6–102.**

27 NOTWITHSTANDING TITLE 8, SUBTITLE 6 OF THIS ARTICLE, AN
28 INDIVIDUAL MAY PRACTICE AS A CERTIFIED PROFESSIONAL MIDWIFE IN THE
29 STATE IF THE INDIVIDUAL:

1 (1) IS CERTIFIED BY THE NORTH AMERICAN REGISTRY OF
2 MIDWIVES OR A SUCCESSOR ORGANIZATION;

3 (2) IS CERTIFIED BY THE DEPARTMENT UNDER THIS TITLE; AND

4 (3) MEETS ANY OTHER REQUIREMENTS IMPOSED BY THE
5 DEPARTMENT THROUGH REGULATION.

6 **6-103.**

7 (A) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE
8 CERTIFICATION OF MIDWIVES IN THE STATE.

9 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS
10 SECTION:

11 (1) SHALL BE CONSISTENT WITH THE STANDARDS PUBLISHED BY
12 THE NATIONAL ASSOCIATION OF CERTIFIED PROFESSIONAL MIDWIVES OR A
13 SUCCESSOR ORGANIZATION;

14 (2) SHALL INCLUDE STANDARDS FOR THE ADMINISTRATION OF
15 THE FOLLOWING SUBSTANCES BY A CERTIFIED PROFESSIONAL MIDWIFE TO A
16 MOTHER OR A NEWBORN:

17 (I) OXYGEN;

18 (II) LIFESAVING MEDICATION;

19 (III) PROPHYLACTIC ANTIBIOTICS; AND

20 (IV) RHO(D) IMMUNE GLOBULIN; AND

21 (3) MAY NOT:

22 (I) REQUIRE AN AGREEMENT BETWEEN A CERTIFIED
23 PROFESSIONAL MIDWIFE AND ANOTHER INDIVIDUAL LICENSED OR REGISTERED
24 UNDER THIS ARTICLE AS A CONDITION OF CERTIFICATION;

25 (II) REQUIRE THAT A CERTIFIED PROFESSIONAL MIDWIFE
26 PRACTICE UNDER THE SUPERVISION OR DIRECTION OF AN INDIVIDUAL
27 LICENSED OR REGISTERED UNDER THIS ARTICLE;

1 **(III) REQUIRE THE ASSESSMENT OF A MOTHER WHO IS**
2 **SEEKING MIDWIFERY SERVICES BY ANOTHER INDIVIDUAL LICENSED OR**
3 **REGISTERED UNDER THIS ARTICLE; OR**

4 **(IV) LIMIT THE SETTING IN WHICH A CERTIFIED**
5 **PROFESSIONAL MIDWIFE MAY PRACTICE MIDWIFERY.**

6 **6-104.**

7 **(A) THE DEPARTMENT MAY SET REASONABLE FEES, TO APPROXIMATE**
8 **THE COST OF MAINTAINING THE CERTIFICATION PROGRAM, FOR THE ISSUANCE**
9 **AND RENEWAL OF CERTIFICATIONS REQUIRED UNDER THIS TITLE.**

10 **(B) THE DEPARTMENT SHALL PAY ALL FUNDS COLLECTED UNDER THIS**
11 **SECTION TO THE GENERAL FUND OF THE STATE.**

12 **6-105.**

13 **(A) EXCEPT AS OTHERWISE PROVIDED, AN INDIVIDUAL SHALL BE**
14 **CERTIFIED UNDER THIS TITLE BEFORE PRACTICING MIDWIFERY IN THE STATE.**

15 **(B) THIS SECTION DOES NOT APPLY TO:**

16 **(1) A REGISTERED NURSE WHO IS CERTIFIED UNDER THIS**
17 **ARTICLE TO PRACTICE NURSE MIDWIFERY;**

18 **(2) A STUDENT OR AN APPRENTICE WHO IS UNDER THE**
19 **SUPERVISION OF A CERTIFIED PROFESSIONAL MIDWIFE;**

20 **(3) AN INDIVIDUAL ENGAGING IN ACTIVITIES WITHIN THE SCOPE**
21 **OF PRACTICE OF THE PROFESSION OR OCCUPATION FOR WHICH THE**
22 **INDIVIDUAL IS LICENSED IN THE STATE, PROVIDED THE INDIVIDUAL DOES NOT**
23 **REPRESENT TO THE PUBLIC DIRECTLY OR INDIRECTLY THAT THE INDIVIDUAL IS**
24 **A CERTIFIED PROFESSIONAL MIDWIFE;**

25 **(4) AN INDIVIDUAL EMPLOYED AS A MIDWIFE BY AN AGENCY OF**
26 **THE FEDERAL GOVERNMENT IF THE INDIVIDUAL PROVIDES MIDWIFERY**
27 **SERVICES SOLELY UNDER THE DIRECTION AND CONTROL OF THE AGENCY; OR**

28 **(5) AN INDIVIDUAL WHO PROVIDES MIDWIFERY SERVICES IN**
29 **ACCORDANCE WITH THE INDIVIDUAL'S RELIGIOUS BELIEFS AND WHO IS A**
30 **MEMBER OF A COMMUNITY OF INDIVIDUALS WHO SHARE THE INDIVIDUAL'S**
31 **RELIGIOUS BELIEFS.**

1 **6-106.**

2 **A CERTIFIED PROFESSIONAL MIDWIFE SHALL FILE A BIRTHING PLAN**
3 **WITH THE DEPARTMENT THAT INCLUDES INFORMATION REGARDING:**

4 **(1) PRENATAL COUNSELING;**

5 **(2) PREPARATION FOR AN EMERGENCY;**

6 **(3) IDENTIFICATION OF AN ACCESSIBLE HOSPITAL IN THE EVENT**
7 **OF AN EMERGENCY; AND**

8 **(4) THE FILING OF INFORMATION ON THE OUTCOME OF THE**
9 **DELIVERY AND A BIRTH CERTIFICATE.**

10 **6-107.**

11 **THE DEPARTMENT SHALL:**

12 **(1) VERIFY A CERTIFIED PROFESSIONAL MIDWIFE'S**
13 **CREDENTIALS WITH THE NORTH AMERICAN REGISTRY OF MIDWIVES OR A**
14 **SUCCESSOR ORGANIZATION; AND**

15 **(2) MAINTAIN A RECORD OF CERTIFIED PROFESSIONAL**
16 **MIDWIVES IN THE STATE ON ITS WEB SITE.**

17 **6-108.**

18 **THIS TITLE MAY NOT BE CONSTRUED TO AUTHORIZE A CERTIFIED**
19 **PROFESSIONAL MIDWIFE TO PERFORM AN ABORTION.**

20 **6-109.**

21 **ON OR BEFORE DECEMBER 1, 2015, THE DEPARTMENT SHALL REPORT TO**
22 **THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
23 **GOVERNMENT ARTICLE, REGARDING:**

24 **(1) THE NUMBER OF CERTIFIED PROFESSIONAL MIDWIVES**
25 **PRACTICING IN THE STATE;**

26 **(2) THE NUMBER OF HEALTHY BIRTH OUTCOMES ATTENDED BY**
27 **CERTIFIED PROFESSIONAL MIDWIVES;**

1 **(3) THE NUMBER OF ADVERSE BIRTH OUTCOMES, IF ANY,**
2 **ATTENDED BY CERTIFIED PROFESSIONAL MIDWIVES; AND**

3 **(4) RECOMMENDATIONS FOR CONTINUATION OF THE**
4 **CERTIFICATION OF PROFESSIONAL MIDWIVES IN THE STATE.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2013. It shall remain effective for a period of 3 years and, at the end of June 30,
7 2016, with no further action required by the General Assembly, this Act shall be
8 abrogated and of no further force and effect.