

HOUSE BILL 1407

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8lr1043

By: **Delegates Mizeur, Pena-Melnyk, and Ivey**

Introduced and read first time: February 8, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Birth Options Preservation Act**

3 FOR the purpose of prohibiting the State Board of Nursing from requiring nurse
4 midwives to have certain written agreements with physicians; requiring nurse
5 midwives to make available to the Board a copy of certain Practice Guidelines
6 under certain circumstances; defining a certain term; and generally relating to
7 the practice of nurse midwifery.

8 BY repealing and reenacting, with amendments,
9 Article – Health Occupations
10 Section 8–601 and 8–602
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2007 Supplement)

13 BY adding to
14 Article – Health Occupations
15 Section 8–602.1
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2007 Supplement)

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

20 **Article – Health Occupations**

21 8–601.

22 (A) In this subtitle[:] **THE FOLLOWING WORDS HAVE THE MEANINGS**
23 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) “AMERICAN COLLEGE OF NURSE–MIDWIVES” MEANS THE**
2 **NATIONAL ORGANIZATION THAT SETS EDUCATION AND PRACTICE STANDARDS**
3 **NATIONWIDE FOR CERTIFIED NURSE–MIDWIVES.**

4 **(C) “AMERICAN MIDWIFERY CERTIFICATION BOARD, INC.” MEANS THE**
5 **NATIONAL CERTIFYING BODY FOR CERTIFIED NURSE–MIDWIVES.**

6 **[(1)] (D) (1)** “Practice nurse midwifery” means the management
7 and care of essentially normal newborns and of essentially normal women
8 antepartally, intrapartally and postpartally.

9 (2) “Practice nurse midwifery” includes:

10 (i) Family planning and well woman reproductive care;

11 (ii) The prescribing of substances commonly used in the practice
12 of nurse midwifery as determined by the Board in consultation with the State Board of
13 Pharmacy and the State Board of Physicians;

14 (iii) The prescribing of controlled substances on Schedules II, III,
15 IV, and V commonly used in the practice of nurse midwifery as determined by the
16 Board in consultation with the State Board of Pharmacy and the State Board of
17 Physicians; and

18 (iv) The dispensing of the substances prescribed in accordance
19 with the provisions of subparagraphs (ii) and (iii) of this paragraph in the course of
20 treating a patient at:

21 1. A medical facility or clinic that is operated on a
22 nonprofit basis;

23 2. A health center that operates on a campus of an
24 institution of higher education; or

25 3. A public health facility, a medical facility under
26 contract with a State or local health department, or a facility funded with public
27 funds.

28 8–602.

29 **(A)** The practice of nurse midwifery is governed by rules and regulations that
30 are adopted under § 8–205 of this title and that concern additional acts in the practice
31 of registered nursing.

32 **(B) THE BOARD MAY NOT REQUIRE A CERTIFIED NURSE–MIDWIFE TO**
33 **HAVE A SIGNED WRITTEN AGREEMENT WITH A PHYSICIAN LICENSED UNDER**

1 THIS ARTICLE THAT DESCRIBES THE FUNCTIONS AND SCOPE OF PRACTICE OF
2 THE CERTIFIED NURSE–MIDWIFE.

3 **8–602.1.**

4 ON THE REQUEST OF THE BOARD, AN INDIVIDUAL WHO IS CERTIFIED AS A
5 NURSE–MIDWIFE BY THE AMERICAN MIDWIFERY CERTIFICATION BOARD, INC.
6 SHALL MAKE AVAILABLE TO THE BOARD A COPY OF THE WRITTEN PRACTICE
7 GUIDELINES REQUIRED BY THE STANDARDS FOR THE PRACTICE OF
8 MIDWIFERY OF THE AMERICAN COLLEGE OF NURSE–MIDWIVES.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2008.