

HOUSE BILL 1211

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By: Delegates A. Kelly, Afzali, Anderson, Beidle, Boteler, Carr, Cullison, George, Glass, Guzzone, Hogan, Hubbard, Hucker, Ivey, Kipke, Krebs, Luedtke, McMillan, Mizeur, Morhaim, Murphy, Parrott, Pena-Melnyk, Ready, B. Robinson, S. Robinson, Stein, Stocksdale, V. Turner, Valderrama, Vitale, M. Washington, and Weir

Introduced and read first time: February 7, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Nursing – Midwives – Licensing and Regulation**

3 FOR the purpose of establishing a licensing and regulation scheme for the practice of
4 traditional midwifery under the State Board of Nursing; specifying that the Act
5 does not limit the rights of certain individuals; requiring a licensed midwife to
6 refer and transfer care of certain clients determined to have certain conditions
7 to certain health care practitioners; requiring a licensed midwife to transfer the
8 care of a newborn to a hospital under certain circumstances; requiring a
9 licensed midwife to terminate care, or continue care only under certain
10 circumstances; requiring a licensed midwife to obtain certain documents, make
11 certain assurances, inform certain clients of certain options, alert certain
12 hospitals, supply certain hospitals with certain information, and have at least a
13 certain number of colleagues present if the licensed midwife is going to perform
14 certain types of delivery; requiring a licensed midwife to develop certain plans
15 for certain clients; establishing the Midwifery Advisory Committee; requiring
16 the Committee, in consultation with the Association of Independent Midwives of
17 Maryland, to develop certain forms to be used for transfer and transport;
18 requiring a licensed midwife to give certain advanced notice of transfer or
19 transport; requiring a licensed midwife to obtain informed consent before
20 initiating care; requiring the Board to set reasonable fees for the issuance and
21 renewal of licenses and other services it provides; requiring the Board to pay
22 certain fees to the State Comptroller; requiring the Comptroller to distribute
23 certain fees to the Board; requiring certain fees to be used to cover certain costs;
24 requiring the Board to adopt certain regulations; prohibiting the Board from
25 adopting certain regulations; providing for the composition, qualifications,
26 chair, term, quorum, meeting requirements, compensation, reimbursement, and
27 removal of members of the Committee; providing for the powers and duties of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the Committee; specifying the scope of this Act; specifying the qualifications for
2 a license to practice traditional midwifery; specifying the education and training
3 requirements for a license to practice traditional midwifery; specifying the
4 procedure for applying for a license to practice traditional midwifery; requiring
5 the Board to issue certain licenses to certain applicants who meet certain
6 requirements; authorizing the Board to waive certain education and training
7 requirements under certain circumstances; requiring the Board to include a
8 certain designation on certain licenses; requiring the Board to consider certain
9 factors on receipt of certain criminal history record information in making
10 certain determinations; specifying the scope of a license issued under this Act;
11 providing for the expiration and renewal of licenses to practice traditional
12 midwifery; requiring a certain number of continuing education units as a
13 condition of license renewal; requiring the Board to place certain licensees on
14 inactive status under certain circumstances; requiring the Board to reactivate
15 and reinstate certain licenses under certain circumstances; prohibiting the
16 Board from reinstating certain licenses under certain circumstances; requiring
17 certain licensees to submit to additional criminal history records checks after a
18 certain number of years; prohibiting a licensed midwife from surrendering
19 certain licenses except under certain circumstances; authorizing the Board to
20 set certain conditions to accept the surrender of certain licenses; authorizing the
21 Board to deny certain licenses, reprimand or place on probation certain
22 licensees, or suspend or revoke certain licenses under certain circumstances,
23 subject to certain hearing provisions and certain exceptions; requiring the
24 Board to give an opportunity for a certain hearing to certain persons;
25 authorizing the Board to issue certain advisory letters under certain
26 circumstances; authorizing the Board to impose certain penalties under certain
27 circumstances; authorizing certain aggrieved parties to take certain appeals;
28 prohibiting certain orders of the Board from being stayed pending certain
29 review; prohibiting certain individuals from making certain representations or
30 using certain designations unless authorized to practice traditional midwifery
31 in the State; prohibiting certain licensees from advertising in a certain manner;
32 authorizing certain licensees to use only certain instruments and procedures;
33 providing certain health care facilities and health care practitioners with
34 immunity from civil liability under certain circumstances; requiring certain
35 midwives to display certain notices in certain offices; providing for penalties for
36 the violation of provisions of this Act; subjecting this Act to the Maryland
37 Program Evaluation Act and a certain full evaluation under certain
38 circumstances; specifying the terms of the initial members of the Committee;
39 requiring the Board to report to certain committees of the General Assembly on
40 or before a certain date regarding the practice of traditional midwifery in the
41 State; defining certain terms; and generally relating to the licensure and
42 regulation of midwives by the State Board of Nursing.

43 BY adding to

44 Article – Health Occupations

45 Section 8–6C–01 through 8–6C–31 to be under the new subtitle “Subtitle 6C.

46 Licensed Midwives”

1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2013 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – State Government
5 Section 8–405(b)(3)
6 Annotated Code of Maryland
7 (2009 Replacement Volume and 2013 Supplement)

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

10 **Article – Health Occupations**

11 **SUBTITLE 6C. LICENSED MIDWIVES.**

12 **8–6C–01.**

13 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
14 INDICATED.

15 (B) “AIMM” MEANS THE ASSOCIATION OF INDEPENDENT MIDWIVES OF
16 MARYLAND, WHICH IS A PROFESSIONAL ORGANIZATION REPRESENTING
17 INDEPENDENT MIDWIVES IN THE STATE, OR A SUCCESSOR ORGANIZATION.

18 (C) “BOARD” MEANS THE STATE BOARD OF NURSING.

19 (D) (1) “CLIENT” MEANS A WOMAN FOR WHOM A LICENSED MIDWIFE
20 PERFORMS SERVICES.

21 (2) “CLIENT” INCLUDES A WOMAN’S NEWBORN FOR THE PURPOSE
22 OF PERINATAL OR POSTPARTUM CARE.

23 (E) “COMMITTEE” MEANS THE MIDWIFERY ADVISORY COMMITTEE
24 ESTABLISHED UNDER § 8–6C–10 OF THIS SUBTITLE.

25 (F) “LICENSE” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
26 LICENSE ISSUED BY THE BOARD TO PRACTICE TRADITIONAL MIDWIFERY.

27 (G) (1) “LICENSED MIDWIFE” MEANS AN INDIVIDUAL WHO HAS BEEN
28 GRANTED A LICENSE UNDER THIS SUBTITLE TO PRACTICE TRADITIONAL
29 MIDWIFERY.

1 **(2) “LICENSED MIDWIFE” DOES NOT INCLUDE A LICENSED NURSE**
2 **CERTIFIED AS A NURSE MIDWIFE UNDER THIS TITLE.**

3 **(H) “MIDWIFE” MEANS AN INDIVIDUAL WHO PROVIDES PRIMARY**
4 **MATERNITY CARE BY AFFIRMATIVE ACT OR CONDUCT PRIOR TO, DURING, AND**
5 **SUBSEQUENT TO CHILDBIRTH, AND WHO IS NOT LICENSED AS A PHYSICIAN OR**
6 **OSTEOPATH UNDER TITLE 14 OF THIS ARTICLE OR LICENSED AS A NURSE WHO**
7 **IS CERTIFIED AS A NURSE MIDWIFE UNDER THIS TITLE.**

8 **(I) “NACPM” MEANS THE NATIONAL ASSOCIATION OF CERTIFIED**
9 **PROFESSIONAL MIDWIVES.**

10 **(J) “NACPM ESSENTIAL DOCUMENTS” MEANS THE DOCUMENTS**
11 **ADOPTED BY NACPM THAT IDENTIFY THE NATURE AND STANDARDS OF**
12 **PRACTICE FOR THE RESPONSIBLE PRACTICE OF TRADITIONAL MIDWIFERY.**

13 **(K) “NARM” MEANS THE NORTH AMERICAN REGISTRY OF MIDWIVES,**
14 **WHICH IS AN INTERNATIONAL CERTIFICATION AGENCY THAT ESTABLISHES AND**
15 **ADMINISTERS CERTIFICATION FOR THE CERTIFIED PROFESSIONAL MIDWIFE**
16 **CREDENTIAL, OR A SUCCESSOR ORGANIZATION.**

17 **(L) “NORMAL PREGNANCY” MEANS A PREGNANCY THAT IS**
18 **PROGRESSING SPONTANEOUSLY WITHOUT THE NEED FOR MEDICAL**
19 **INTERVENTION OR THE USE OF INSTRUMENTS WHEN THE ONSET OF LABOR**
20 **OCCURS AT TERM.**

21 **(M) “PRACTICE TRADITIONAL MIDWIFERY” MEANS, IN ADDITION TO THE**
22 **PROVISIONS OF § 8-6C-03 OF THIS SUBTITLE, PROVIDING PRIMARY MATERNITY**
23 **CARE THAT IS CONSISTENT WITH A MIDWIFE’S TRAINING, EDUCATION, AND**
24 **EXPERIENCE TO WOMEN AND THEIR NEWBORN CHILDREN THROUGHOUT THE**
25 **CHILDBEARING CYCLE, AND INCLUDES IDENTIFYING AND REFERRING WOMEN**
26 **OR THEIR NEWBORN CHILDREN WHO REQUIRE MEDICAL CARE TO AN**
27 **APPROPRIATE HEALTH CARE PRACTITIONER.**

28 **8-6C-02.**

29 **THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF:**

30 **(1) AN INDIVIDUAL TO PRACTICE A HEALTH OCCUPATION THAT**
31 **THE INDIVIDUAL IS AUTHORIZED TO PRACTICE UNDER THIS ARTICLE; OR**

32 **(2) A WOMAN TO DELIVER HER OWN BABY WHERE, WHEN, HOW,**
33 **AND WITH WHOM SHE CHOOSES.**

1 **8-6C-03.**

2 (A) THE PRACTICE OF TRADITIONAL MIDWIFERY INCLUDES PROVIDING
3 THE NECESSARY SUPERVISION, CARE, AND ADVICE TO A CLIENT DURING AN
4 ESSENTIALLY NORMAL PREGNANCY, LABOR, DELIVERY, POSTPARTUM, AND
5 NEWBORN PERIOD THAT ARE:

6 (1) CONSISTENT WITH NATIONAL PROFESSIONAL MIDWIFERY
7 STANDARDS; AND

8 (2) BASED ON THE ACQUISITION OF CLINICAL SKILLS NECESSARY
9 FOR THE CARE OF PREGNANT WOMEN AND NEWBORNS, INCLUDING
10 ANTEPARTUM, INTRAPARTUM, POSTPARTUM, NEWBORN, AND LIMITED
11 INTERCONCEPTUAL CARE.

12 (B) THE PRACTICE OF TRADITIONAL MIDWIFERY ALSO INCLUDES:

13 (1) OBTAINING INFORMED CONSENT UNDER § 8-6C-05 OF THIS
14 SUBTITLE, IF APPROPRIATE, AND UNDER § 8-6C-07 OF THIS SUBTITLE, TO
15 PROVIDE SERVICES;

16 (2) OBTAINING A HEALTH HISTORY, INCLUDING A PHYSICAL
17 EXAMINATION;

18 (3) DEVELOPING A PLAN OF CARE FOR A CLIENT;

19 (4) EVALUATING THE RESULTS OF CLIENT CARE;

20 (5) CONSULTING AND COLLABORATING WITH AND REFERRING
21 AND TRANSFERRING CARE TO A LICENSED HEALTH CARE PRACTITIONER, AS IS
22 APPROPRIATE, REGARDING THE CARE OF A CLIENT;

23 (6) OBTAINING MEDICATIONS TO ADMINISTER TO CLIENTS,
24 INCLUDING:

25 (I) ANTIBIOTICS FOR PROPHYLACTIC USE FOR GROUP B
26 STREPTOCOCCUS PREVENTION IN LINE WITH THE GUIDELINES OF THE
27 CENTERS FOR DISEASE CONTROL AND PREVENTION;

28 (II) RHO D IMMUNOGLOBULIN;

29 (III) STERILE WATER;

1 (IV) ANTIHEMORRHAGIC MEDICATIONS, INCLUDING
2 OXYTOCIN, MISOPRISTOL, AND METHERGINE;

3 (V) OXYGEN;

4 (VI) LIDOCAINE, CETOCAINE, OR XYLOCAINE FOR
5 SUTURING;

6 (VII) VITAMIN K TO PREVENT HEMORRHAGIC DISEASE OF
7 THE NEWBORN;

8 (VIII) EYE PROPHYLAXIS TO PREVENT OPHTHALMIA
9 NEONATORUM; AND

10 (IX) ANY OTHER MEDICATION APPROVED BY THE BOARD
11 FOR USE IN THE PRACTICE OF TRADITIONAL MIDWIFERY;

12 (7) OBTAINING FOOD, FOOD EXTRACTS, AND DIETARY
13 SUPPLEMENTS, AS DEFINED BY THE FEDERAL FOOD, DRUG, AND COSMETIC
14 ACT, HOMEOPATHIC REMEDIES, PLANT SUBSTANCES THAT ARE NOT
15 DESIGNATED AS PRESCRIPTION DRUGS OR CONTROLLED SUBSTANCES, AND
16 OVER-THE-COUNTER MEDICATIONS TO ADMINISTER TO CLIENTS;

17 (8) OBTAINING AND USING APPROPRIATE EQUIPMENT AND
18 DEVICES SUCH AS DOPPLER, BLOOD PRESSURE CUFFS, PHLEBOTOMY
19 SUPPLIES, INSTRUMENTS, AND SUTURES;

20 (9) OBTAINING APPROPRIATE SCREENING AND TESTING,
21 INCLUDING LABORATORY TESTS, URINALYSIS, AND ULTRASOUND;

22 (10) PROVIDING PRENATAL CARE DURING THE ANTEPARTUM
23 PERIOD, WITH CONSULTATION OR REFERRAL AS NECESSARY;

24 (11) PROVIDING CARE DURING THE INTRAPARTUM PERIOD,
25 INCLUDING:

26 (I) MONITORING AND EVALUATING THE CONDITION OF THE
27 WOMAN AND FETUS;

28 (II) PERFORMING EMERGENCY PROCEDURES, INCLUDING:

29 1. ADMINISTRATION OF APPROVED MEDICATIONS;

1 2. **INTRAVENOUS FLUIDS FOR STABILIZATION;**

2 3. **CONTINUING CARE EN ROUTE TO A HOSPITAL**
3 **FOLLOWING A CORD PROLAPSE OR A HEMORRHAGE REQUIRING BIMANUAL**
4 **COMPRESSION; OR**

5 4. **AN EMERGENCY EPISIOTOMY; AND**

6 **(III) DELIVERING IN AN OUT-OF-HOSPITAL SETTING;**

7 **(12) PROVIDING CARE DURING THE POSTPARTUM PERIOD,**
8 **INCLUDING SUTURING OF FIRST AND SECOND DEGREE PERINEAL AND LABIAL**
9 **LACERATIONS, INCLUDING THE ADMINISTRATION OF A LOCAL ANESTHETIC;**

10 **(13) PROVIDING CARE DURING THE NEWBORN PERIOD,**
11 **INCLUDING:**

12 **(I) PROVIDING CARE FOR THE NEWBORN, INCLUDING:**

13 1. **PERFORMING A NORMAL NEWBORN**
14 **EXAMINATION; AND**

15 2. **ROUTINE CARE, SUCH AS PULSE OXIMETRY**
16 **SCREENING, METABOLIC SCREENING, HEARING TESTS, VITAMIN K, AND EYE**
17 **OINTMENT APPLICATION; AND**

18 **(II) RESUSCITATING A NEWBORN;**

19 **(14) PROVIDING LIMITED INTERCONCEPTUAL SERVICES IN ORDER**
20 **TO PROVIDE CONTINUITY OF CARE, INCLUDING:**

21 **(I) BREASTFEEDING SUPPORT AND COUNSELING;**

22 **(II) FAMILY PLANNING, LIMITED TO NATURAL FAMILY**
23 **PLANNING, FERTILITY AWARENESS METHODS, AND BARRIER METHODS,**
24 **INCLUDING CERVICAL CAPS; AND**

25 **(III) PAP SMEARS, AFTER WHICH ALL CLIENTS WITH**
26 **ABNORMAL RESULTS ARE REFERRED TO AN APPROPRIATE LICENSED HEALTH**
27 **CARE PRACTITIONER; AND**

1 **(15) EXECUTING THE ORDERS OF A LICENSED HEALTH CARE**
2 **PRACTITIONER THAT ARE WITHIN THE EDUCATION, KNOWLEDGE, AND SKILL OF**
3 **THE LICENSED MIDWIFE.**

4 **(C) THE PRACTICE OF TRADITIONAL MIDWIFERY DOES NOT INCLUDE:**

5 **(1) THE ADMINISTRATION OF A PRESCRIPTION DRUG TO A**
6 **CLIENT IN A MANNER THAT VIOLATES THIS SUBTITLE;**

7 **(2) THE ASSISTING OF CHILDBIRTH BY ARTIFICIAL OR**
8 **MECHANICAL MEANS;**

9 **(3) EFFECTING ANY TYPE OF SURGICAL DELIVERY, EXCEPT FOR**
10 **AN EMERGENCY EPISIOTOMY;**

11 **(4) THE ADMINISTRATION OF ANY TYPE OF EPIDURAL, SPINAL,**
12 **OR CAUDAL ANESTHETIC, OR ANY TYPE OF NARCOTIC ANALGESIA; OR**

13 **(5) THE USE OF FORCEPS OR A VACUUM EXTRACTOR.**

14 **8-6C-04.**

15 **(A) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, A**
16 **LICENSED MIDWIFE SHALL BE REQUIRED TO REFER AND TRANSFER THE CARE**
17 **OF A CLIENT TO A LICENSED PHYSICIAN OR A LICENSED NURSE WHO IS**
18 **CERTIFIED AS A NURSE MIDWIFE IF THE CLIENT IS DETERMINED TO HAVE ANY**
19 **OF THE FOLLOWING CONDITIONS:**

20 **(1) CHRONIC PULMONARY DISEASE;**

21 **(2) INDICATIONS THAT THE FETUS HAS DIED IN UTERO AND**
22 **THERE IS EVIDENCE OF DISSEMINATED INTRAVASCULAR COAGULATION OR**
23 **INFECTION;**

24 **(3) PREMATURE LABOR FOR GESTATION THAT IS LESS THAN 36**
25 **WEEKS;**

26 **(4) TRANSVERSE LIE IN LABOR WITH A FETUS THAT IS**
27 **UNRESPONSIVE TO MATERNAL POSITION CHANGES;**

28 **(5) PLACENTA PREVIA OR ABRUPTION;**

1 **(6) UNCOMMON DISEASES AND DISORDERS AS DETERMINED BY**
2 **THE BOARD INCLUDING ADDISON'S DISEASE, CUSHING'S DISEASE, SYSTEMIC**
3 **LUPUS ERYTHEMATOSUS, ANTIPHOSPHOLIPID SYNDROME, SCLERODERMA,**
4 **PERIARTERITIS NODOSA, OR MARFAN'S SYNDROME;**

5 **(7) ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS) OR**
6 **HUMAN IMMUNODEFICIENCY VIRUS (HIV);**

7 **(8) ACUTE TOXOPLASMOSIS INFECTION, IF THE CLIENT IS**
8 **CURRENTLY SYMPTOMATIC;**

9 **(9) ACUTE RUBELLA INFECTION, IF THE CLIENT IS CURRENTLY**
10 **SYMPTOMATIC;**

11 **(10) ACUTE CYTOMEGALOVIRUS INFECTION, IF THE CLIENT IS**
12 **CURRENTLY SYMPTOMATIC;**

13 **(11) ACUTE PARVOVIRUS INFECTION, IF THE CLIENT IS**
14 **CURRENTLY SYMPTOMATIC;**

15 **(12) THROMBOSIS;**

16 **(13) RH SENSITIZATION;**

17 **(14) RENAL DISEASE;**

18 **(15) DRUG OR ALCOHOL ADDICTION;**

19 **(16) SEVERE ANEMIA THAT IS NOT RESPONSIVE TO TREATMENT;**

20 **(17) DIAGNOSTIC CRITERIA FOR SEVERE PREECLAMPSIA;**

21 **(18) PERSISTENT OR SEVERE FETAL DISTRESS; OR**

22 **(19) PROLAPSED CORD WHEN BIRTH IS NOT IMMINENT.**

23 **(B) THE LICENSED MIDWIFE SHALL TRANSFER THE CARE OF A**
24 **NEWBORN TO A HOSPITAL IF THE NEWBORN IS DETERMINED TO HAVE ANY OF**
25 **THE FOLLOWING CONDITIONS:**

26 **(1) PERSISTENT RESPIRATORY DISTRESS;**

27 **(2) PERSISTENT CARDIAC IRREGULARITIES;**

1 (3) CENTRAL CYANOSIS;

2 (4) EVIDENCE OF SEIZURE; OR

3 (5) SIGNIFICANT BIRTH INJURY.

4 (C) IF A CLIENT HAS BEEN INFORMED THAT SHE HAS OR MAY HAVE A
5 CONDITION REQUIRING REFERRAL AND TRANSFER OF CARE UNDER THIS
6 SECTION, AND THE CLIENT DECLINES THE REFERRAL AND TRANSFER OF CARE,
7 THE LICENSED MIDWIFE:

8 (1) SHALL TERMINATE CARE IN ACCORDANCE WITH PROCEDURES
9 ESTABLISHED BY THE BOARD; OR

10 (2) MAY CONTINUE TO PRACTICE TRADITIONAL MIDWIFERY FOR
11 THE CLIENT IF THE CLIENT SIGNS A WAIVER OF MEDICAL CONSULTATION,
12 COLLABORATION, REFERRAL, OR TRANSFER FROM A LICENSED HEALTH CARE
13 PRACTITIONER OTHER THAN THE LICENSED MIDWIFE.

14 **8-6C-05.**

15 (A) IF A LICENSED MIDWIFE IS PREPARING TO PERFORM A VAGINAL
16 BIRTH AFTER CESAREAN SECTION (VBAC), THE LICENSED MIDWIFE SHALL:

17 (1) OBTAIN DOCUMENTATION OF A LOW TRANSVERSE INCISION;

18 (2) ENSURE THAT AT LEAST 18 MONTHS HAVE, OR WILL HAVE,
19 ELAPSED SINCE THE CESAREAN SECTION AT THE TIME OF LABOR; AND

20 (3) OBTAIN A WRITTEN INFORMED CONSENT DOCUMENT, IN
21 ADDITION TO THE CONSENT DOCUMENT REQUIRED UNDER § 8-6C-07 OF THIS
22 SUBTITLE, THAT SPECIFIES THE RISKS OF A VAGINAL BIRTH AFTER CESAREAN
23 SECTION WHEN PERFORMED OUTSIDE OF A HOSPITAL SETTING.

24 (B) IF A LICENSED MIDWIFE IS PREPARING TO PERFORM A BREECH
25 DELIVERY, THE LICENSED MIDWIFE SHALL:

26 (1) ENSURE THE CLIENT HAS A HEALTHY PREGNANCY;

27 (2) INFORM AND RECOMMEND TO THE CLIENT ALL OF THE
28 OPTIONS FOR TURNING THE BREECH, INCLUDING EXTERNAL VERSION IN A
29 HOSPITAL SETTING;

1 **(3) ALERT THE NEAREST HOSPITAL OF THE EXISTENCE OF THE**
2 **CLIENT AND SUPPLY TO THE HOSPITAL THE CLIENT'S PRENATAL RECORDS AND**
3 **ANY PERTINENT INFORMATION AT THE TIME OF LABOR;**

4 **(4) OBTAIN A WRITTEN INFORMED CONSENT DOCUMENT, IN**
5 **ADDITION TO THE CONSENT DOCUMENT REQUIRED UNDER § 8-6C-07 OF THIS**
6 **SUBTITLE, THAT SPECIFIES THE RISKS OF BREECH BIRTH OUTSIDE A HOSPITAL**
7 **SETTING;**

8 **(5) ENSURE THE ESTIMATED FETAL WEIGHT IS BETWEEN 2,000**
9 **AND 4,000 GRAMS;**

10 **(6) ENSURE THE BREECH IS A FRANK OR COMPLETE BREECH**
11 **PRESENTATION; AND**

12 **(7) ASSESS THAT THE CLIENT HAS AN ADEQUATE PELVIC SIZE.**

13 **(C) IF A LICENSED MIDWIFE IS PREPARING TO PERFORM A DELIVERY**
14 **OF MULTIPLE BIRTH GESTATION, THE LICENSED MIDWIFE SHALL:**

15 **(1) ENSURE THE MOTHER HAS A HEALTHY PREGNANCY;**

16 **(2) ENSURE THAT THE FIRST MULTIPLE HAS ITS HEAD DOWN AT**
17 **THE ONSET OF LABOR;**

18 **(3) ALERT THE NEAREST HOSPITAL OF THE EXISTENCE OF THE**
19 **CLIENT AND SUPPLY TO THE HOSPITAL THE CLIENT'S PRENATAL RECORDS AND**
20 **ANY PERTINENT INFORMATION AT THE TIME OF LABOR;**

21 **(4) OBTAIN A WRITTEN INFORMED CONSENT DOCUMENT, IN**
22 **ADDITION TO THE CONSENT DOCUMENT REQUIRED UNDER § 8-6C-07 OF THIS**
23 **SUBTITLE, THAT SPECIFIES THE RISKS OF DELIVERING MULTIPLES OUTSIDE A**
24 **HOSPITAL SETTING;**

25 **(5) ENSURE THE ESTIMATED FETAL WEIGHT IS AT LEAST 2,000**
26 **GRAMS; AND**

27 **(6) HAVE AT LEAST TWO LICENSED MIDWIVES IN ATTENDANCE AT**
28 **THE BIRTH.**

29 **8-6C-06.**

1 **(A) A LICENSED MIDWIFE SHALL DEVELOP A WRITTEN PLAN FOR EACH**
2 **CLIENT FOR:**

3 **(1) EMERGENCY TRANSFER;**

4 **(2) TRANSPORT OF AN INFANT TO A NEWBORN NURSERY OR**
5 **NEONATAL INTENSIVE CARE NURSERY; AND**

6 **(3) TRANSPORT OF A CLIENT TO AN APPROPRIATE OBSTETRICAL**
7 **DEPARTMENT OR PATIENT CARE AREA IN A HEALTH CARE FACILITY.**

8 **(B) THE COMMITTEE, IN CONSULTATION WITH AIMM, SHALL DEVELOP**
9 **A SINGLE UNIFORM FORM FOR USE IN ALL CASES IN WHICH A TRANSFER OR**
10 **TRANSPORT OCCURS THAT INCLUDES THE MEDICAL INFORMATION NEEDED BY**
11 **THE HEALTH CARE FACILITY OR HEALTH CARE PRACTITIONER RECEIVING THE**
12 **CLIENT.**

13 **(C) ONCE THE DECISION TO TRANSFER OR TRANSPORT A CLIENT HAS**
14 **BEEN MADE, THE LICENSED MIDWIFE SHALL CALL AHEAD TO THE HEALTH CARE**
15 **FACILITY OR HEALTH CARE PRACTITIONER AND INFORM THEM OF THE**
16 **INCOMING TRANSPORT.**

17 **8-6C-07.**

18 **(A) BEFORE INITIATING CARE, A LICENSED MIDWIFE SHALL OBTAIN A**
19 **SIGNED INFORMED CONSENT AGREEMENT FROM EACH CLIENT.**

20 **(B) THE INFORMED CONSENT AGREEMENT UNDER THIS SECTION SHALL**
21 **INCLUDE ACKNOWLEDGMENT BY THE CLIENT OF RECEIPT, AT A MINIMUM, OF**
22 **THE FOLLOWING:**

23 **(1) THE LICENSED MIDWIFE'S TRAINING AND EXPERIENCE;**

24 **(2) INSTRUCTIONS FOR OBTAINING A COPY OF THE REGULATIONS**
25 **ADOPTED BY THE BOARD UNDER THIS SUBTITLE;**

26 **(3) INSTRUCTIONS FOR OBTAINING A COPY OF THE NACPM**
27 **ESSENTIAL DOCUMENTS AND NARM CERTIFICATION REQUIREMENTS;**

28 **(4) INSTRUCTIONS FOR FILING A COMPLAINT WITH THE BOARD;**

29 **(5) NOTICE OF WHETHER THE LICENSED MIDWIFE HAS**
30 **PROFESSIONAL LIABILITY INSURANCE COVERAGE;**

1 **(6) A WRITTEN PROTOCOL FOR EMERGENCIES, INCLUDING**
2 **HOSPITAL TRANSPORT THAT IS SPECIFIC TO EACH CLIENT;**

3 **(7) A DESCRIPTION OF THE PROCEDURES, BENEFITS, AND RISKS**
4 **OF HOME BIRTHS, INCLUDING PRIMARILY THOSE CONDITIONS THAT MAY ARISE**
5 **DURING DELIVERY; AND**

6 **(8) ANY OTHER INFORMATION THAT THE BOARD REQUIRES.**

7 **8-6C-08.**

8 **(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE**
9 **ISSUANCE AND RENEWAL OF LICENSES AND OTHER SERVICES IT PROVIDES TO**
10 **LICENSED MIDWIVES.**

11 **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS**
12 **TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE AND OTHER**
13 **SERVICES PROVIDED TO LICENSED MIDWIVES.**

14 **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THIS**
15 **SUBTITLE TO THE STATE COMPTROLLER.**

16 **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**
17 **BOARD.**

18 **(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**
19 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND**
20 **REGULATORY DUTIES OF THE BOARD AS PROVIDED BY THE PROVISIONS OF**
21 **THIS SUBTITLE.**

22 **8-6C-09.**

23 **(A) THE BOARD SHALL ADOPT REGULATIONS FOR THE LICENSURE OF**
24 **MIDWIVES AND FOR THE PRACTICE OF TRADITIONAL MIDWIFERY.**

25 **(B) REGULATIONS ADOPTED BY THE BOARD REGARDING THE PRACTICE**
26 **OF TRADITIONAL MIDWIFERY MAY NOT:**

27 **(1) REQUIRE A LICENSED MIDWIFE TO PRACTICE TRADITIONAL**
28 **MIDWIFERY UNDER THE SUPERVISION OF ANOTHER HEALTH CARE**
29 **PRACTITIONER;**

1 **(2) REQUIRE ANY AGREEMENT, WRITTEN OR OTHERWISE, WITH**
2 **ANOTHER HEALTH CARE PRACTITIONER;**

3 **(3) REQUIRE THE ASSESSMENT BY ANOTHER HEALTH CARE**
4 **PRACTITIONER OF A WOMAN WHO IS SEEKING TRADITIONAL MIDWIFERY**
5 **SERVICES;**

6 **(4) REQUIRE A LICENSED MIDWIFE TO BE LICENSED AS A NURSE**
7 **UNDER THIS TITLE; OR**

8 **(5) LIMIT THE LOCATION WHERE A LICENSED MIDWIFE MAY**
9 **PRACTICE TRADITIONAL MIDWIFERY.**

10 **8-6C-10.**

11 **(A) THERE IS A MIDWIFERY ADVISORY COMMITTEE WITHIN THE**
12 **BOARD.**

13 **(B) (1) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY**
14 **THE BOARD.**

15 **(2) OF THE FIVE COMMITTEE MEMBERS:**

16 **(I) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THREE**
17 **SHALL BE LICENSED MIDWIVES;**

18 **(II) ONE SHALL BE A LICENSED NURSE CERTIFIED AS A**
19 **NURSE MIDWIFE WHO:**

20 **1. CURRENTLY PRACTICES IN AN OUT-OF-HOSPITAL**
21 **SETTING, INCLUDING A FREESTANDING BIRTH CENTER OR HOME BIRTH**
22 **PRACTICE; OR**

23 **2. HAS A MINIMUM OF 5 YEARS OF CLINICAL**
24 **EXPERIENCE IN AN OUT-OF-HOSPITAL SETTING, INCLUDING A FREESTANDING**
25 **BIRTH CENTER OR HOME BIRTH PRACTICE; AND**

26 **(III) ONE SHALL BE A CONSUMER MEMBER.**

27 **(3) (I) THE BOARD SHALL APPOINT THE LICENSED MIDWIFE**
28 **MEMBERS OF THE COMMITTEE FROM A LIST OF QUALIFIED INDIVIDUALS**
29 **SUBMITTED TO THE BOARD BY AIMM.**

1 **(II) THE BOARD MAY REQUEST AN ADDITIONAL LIST OF**
2 **NOMINEES TO THE COMMITTEE FROM AIMM IF THE INITIAL LIST OF NOMINEES**
3 **IS DETERMINED TO BE INADEQUATE.**

4 **(C) EACH MEMBER OF THE COMMITTEE SHALL BE A CITIZEN OF THE**
5 **UNITED STATES AND A RESIDENT OF THE STATE.**

6 **(D) (1) EACH LICENSED MIDWIFE MEMBER OF THE COMMITTEE**
7 **APPOINTED ON OR BEFORE SEPTEMBER 30, 2021:**

8 **(I) SHALL HAVE HELD A CERTIFIED PROFESSIONAL**
9 **MIDWIFE CREDENTIAL FROM NARM FOR AT LEAST 5 YEARS IMMEDIATELY**
10 **BEFORE APPOINTMENT;**

11 **(II) SHALL MEET THE LICENSURE QUALIFICATIONS**
12 **REQUIRED UNDER § 8-6C-13 OF THIS SUBTITLE; AND**

13 **(III) MAY NOT BE A LICENSED NURSE WHO IS CERTIFIED AS A**
14 **NURSE MIDWIFE.**

15 **(2) EACH LICENSED MIDWIFE MEMBER OF THE COMMITTEE**
16 **APPOINTED ON OR AFTER OCTOBER 1, 2021:**

17 **(I) SHALL HAVE BEEN CERTIFIED BY NARM FOR AT LEAST**
18 **5 YEARS IMMEDIATELY BEFORE APPOINTMENT; AND**

19 **(II) MAY NOT BE A LICENSED NURSE WHO IS CERTIFIED AS A**
20 **NURSE MIDWIFE.**

21 **(E) THE CONSUMER MEMBER OF THE COMMITTEE:**

22 **(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;**

23 **(2) MAY NOT BE OR EVER HAVE BEEN:**

24 **(I) A LICENSED MIDWIFE;**

25 **(II) A LICENSED NURSE CERTIFIED AS A MIDWIFE;**

26 **(III) A HEALTH CARE PRACTITIONER WHO IS DIRECTLY**
27 **INVOLVED WITH PREGNANCY OR LABOR; OR**

1 **(IV) IN TRAINING TO BE A LICENSED MIDWIFE, A LICENSED**
2 **NURSE WHO IS CERTIFIED AS A NURSE MIDWIFE, OR A HEALTH CARE**
3 **PRACTITIONER WHO IS DIRECTLY INVOLVED WITH PREGNANCY OR LABOR;**

4 **(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A LICENSED**
5 **MIDWIFE, A LICENSED NURSE WHO IS CERTIFIED AS A NURSE MIDWIFE, A**
6 **HEALTH CARE PRACTITIONER WHO IS DIRECTLY INVOLVED WITH PREGNANCY**
7 **OR LABOR, IN TRAINING TO BE A LICENSED MIDWIFE, IN TRAINING TO BE A**
8 **LICENSED NURSE WHO IS CERTIFIED AS A NURSE MIDWIFE, OR IN TRAINING TO**
9 **BE A HEALTH CARE PRACTITIONER WHO IS DIRECTLY INVOLVED WITH**
10 **PREGNANCY OR LABOR;**

11 **(4) MAY NOT:**

12 **(I) PARTICIPATE OR EVER HAVE PARTICIPATED IN A**
13 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF**
14 **TRADITIONAL MIDWIFERY;**

15 **(II) HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A**
16 **COMMERCIAL OR PROFESSIONAL FIELD RELATED TO THE PRACTICE OF**
17 **TRADITIONAL MIDWIFERY; OR**

18 **(III) HAVE, OR HAVE HAD WITHIN 2 YEARS BEFORE**
19 **APPOINTMENT, A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED**
20 **BY THE BOARD OR THE PROVISION OF GOODS OR SERVICES RELATING TO THE**
21 **PRACTICE OF TRADITIONAL MIDWIFERY; AND**

22 **(5) SHALL BE APPOINTED FROM A LIST OF NOMINEES SUBMITTED**
23 **BY THE MARYLAND FAMILIES FOR SAFE BIRTH OR THE MARYLAND FRIENDS**
24 **OF MIDWIVES.**

25 **(F) THE COMMITTEE SHALL ELECT A CHAIR FROM AMONG ITS**
26 **MEMBERS TO A 2-YEAR TERM.**

27 **(G) (1) THE TERM OF A MEMBER IS 3 YEARS.**

28 **(2) THE TERMS OF THE MEMBERS ARE STAGGERED AS REQUIRED**
29 **BY THE PROVISIONS FOR INITIAL MEMBERS OF THE COMMITTEE ON OCTOBER**
30 **1, 2014.**

31 **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE**
32 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

1 **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN**
2 **SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS**
3 **APPOINTED AND QUALIFIES.**

4 **(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE**
5 **FULL TERMS.**

6 **(6) TO THE EXTENT PRACTICABLE, THE BOARD SHALL FILL ANY**
7 **VACANCY ON THE COMMITTEE WITHIN 60 DAYS OF THE DATE OF THE VACANCY.**

8 **(H) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE**
9 **COMMITTEE IS A QUORUM.**

10 **(I) IN ADDITION TO ANY OTHER MEETING REQUIREMENTS OF THIS**
11 **TITLE, THE COMMITTEE SHALL MEET:**

12 **(1) AT THE REQUEST OF THE EXECUTIVE DIRECTOR OF THE**
13 **BOARD; OR**

14 **(2) AS NECESSARY TO CONDUCT BOARD OR COMMITTEE**
15 **BUSINESS.**

16 **(J) IN ACCORDANCE WITH THE STATE BUDGET, EACH MEMBER OF THE**
17 **COMMITTEE IS ENTITLED TO:**

18 **(1) COMPENSATION, AT A RATE DETERMINED BY THE BOARD,**
19 **FOR EACH DAY, OR PART OF A DAY, ON WHICH THE MEMBER IS ENGAGED IN THE**
20 **DUTIES OF THE COMMITTEE; AND**

21 **(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD**
22 **STATE TRAVEL REGULATIONS.**

23 **(K) (1) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR**
24 **MISCONDUCT.**

25 **(2) THE BOARD MAY REMOVE A MEMBER WHO IS ABSENT FROM**
26 **TWO SUCCESSIVE COMMITTEE MEETINGS WITHOUT ADEQUATE REASON.**

27 **8-6C-11.**

28 **(A) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS**
29 **SUBTITLE, THE COMMITTEE SHALL DEVELOP AND MAKE RECOMMENDATIONS**
30 **TO THE BOARD REGARDING REGULATIONS RELATING TO THE PRACTICE OF**

1 TRADITIONAL MIDWIFERY THAT ARE NECESSARY TO CARRY OUT THE
2 PROVISIONS OF THIS SUBTITLE THAT:

3 (1) ADDRESS THE REQUIREMENTS FOR LICENSURE TO PRACTICE
4 TRADITIONAL MIDWIFERY, INCLUDING THE ESTABLISHMENT OF STANDARDS OF
5 CARE;

6 (2) ARE CONSISTENT WITH THE NARM CERTIFICATION
7 REQUIREMENTS AND THE NACPM STANDARDS OF PRACTICE;

8 (3) ENSURE INDEPENDENT PRACTICE;

9 (4) REQUIRE LICENSED MIDWIVES TO DISCLOSE TO THEIR
10 CLIENTS, WHEN APPROPRIATE, OPTIONS FOR CONSULTATION AND REFERRAL
11 TO A PHYSICIAN, AND EVIDENCE-BASED INFORMATION ON HEALTH RISKS
12 ASSOCIATED WITH BIRTH OF A CHILD OUTSIDE A HOSPITAL OR BIRTHING
13 CENTER AS REQUIRED UNDER § 8-6C-05 OF THIS SUBTITLE, INCLUDING RISKS
14 ASSOCIATED WITH VAGINAL BIRTH AFTER CESAREAN SECTION (VBAC),
15 BREECH BIRTHS, BIRTHS BY WOMEN EXPERIENCING HIGH-RISK PREGNANCIES,
16 AND MULTIPLE BIRTH GESTATION;

17 (5) ALLOW A LICENSED MIDWIFE TO ACQUIRE AND ADMINISTER
18 OXYGEN DURING THE PRACTICE OF TRADITIONAL MIDWIFERY;

19 (6) ALLOW A LICENSED MIDWIFE TO ACQUIRE AND ADMINISTER,
20 DURING THE PRACTICE OF TRADITIONAL MIDWIFERY:

21 (I) POSTPARTUM ANTIHEMORRHAGIC AGENTS, INCLUDING
22 OXYTOCIN, METHERGINE, AND MISOPROSTOL;

23 (II) INTRAVENOUS FLUIDS FOR STABILIZATION;

24 (III) PROPHYLACTIC ANTIBIOTICS FOR THE PREVENTION OF
25 GROUP B STREPTOCOCCUS INFECTION UNDER PROTOCOLS OF THE CENTERS
26 FOR DISEASE CONTROL AND PREVENTION;

27 (IV) VITAMIN K;

28 (V) EYE PROPHYLACTICS;

29 (VI) RHOGAM; AND

1 **(VII) OTHER DRUGS OR PROCEDURES AS DETERMINED BY**
2 **THE BOARD;**

3 **(7) PROVIDE FOR THE GRANTING OF TEMPORARY PERMITS TO**
4 **PRACTICE TRADITIONAL MIDWIFERY PENDING QUALIFICATION FOR LICENSURE;**
5 **AND**

6 **(8) INCLUDE REQUIREMENTS FOR LICENSURE RENEWAL AND**
7 **CONTINUING EDUCATION.**

8 **(B) THE COMMITTEE SHALL:**

9 **(1) MAKE RECOMMENDATIONS TO THE BOARD REGARDING A**
10 **CODE OF ETHICS FOR THE PRACTICE OF TRADITIONAL MIDWIFERY;**

11 **(2) MAKE RECOMMENDATIONS TO THE BOARD REGARDING THE**
12 **REQUIREMENTS FOR LICENSURE AS A MIDWIFE;**

13 **(3) REVIEW APPLICATIONS FOR LICENSURE AS A MIDWIFE AND**
14 **MAKE RECOMMENDATIONS TO THE BOARD;**

15 **(4) MAINTAIN A LIST OF ALL LICENSED MIDWIVES;**

16 **(5) MAKE RECOMMENDATIONS TO THE BOARD REGARDING**
17 **CONTINUING EDUCATION REQUIREMENTS FOR LICENSED MIDWIVES;**

18 **(6) AT THE REQUEST OF THE BOARD, INVESTIGATE COMPLAINTS**
19 **AGAINST LICENSED MIDWIVES;**

20 **(7) REVIEW ADVERTISING BY LICENSED MIDWIVES AND BY**
21 **INSTITUTIONS THAT OFFER A MIDWIFE PROGRAM AND MAKE**
22 **RECOMMENDATIONS TO THE BOARD, AS NECESSARY;**

23 **(8) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS**
24 **RECEIVED A WRITTEN AND SIGNED COMPLAINT, INCLUDING A REFERRAL FROM**
25 **THE COMMISSIONER OF LABOR AND INDUSTRY, CONDUCT AN UNANNOUNCED**
26 **INSPECTION OF THE OFFICE OF A LICENSED MIDWIFE TO DETERMINE**
27 **COMPLIANCE AT THAT OFFICE WITH THE CENTERS FOR DISEASE CONTROL AND**
28 **PREVENTION'S GUIDELINES ON UNIVERSAL PRECAUTIONS AND MAKE**
29 **RECOMMENDATIONS TO THE BOARD, AS NECESSARY;**

30 **(9) AT THE REQUEST OF THE BOARD, AFTER THE BOARD HAS**
31 **RECEIVED NOTICE THAT A LICENSED MIDWIFE HAS OPENED AN OFFICE, AFTER**

1 NOTIFYING THE LICENSED MIDWIFE, CONDUCT AN INSPECTION OF THE OFFICE
2 TO DETERMINE COMPLIANCE WITH THE BOARD'S REGULATIONS RELATING TO
3 THE MINIMUM REQUIREMENTS FOR AN OFFICE AND MAKE RECOMMENDATIONS
4 TO THE BOARD, AS NECESSARY;

5 (10) ADVISE THE BOARD ON MATTERS RELATING TO THE
6 PRACTICE OF TRADITIONAL MIDWIFERY;

7 (11) KEEP A RECORD OF ITS PROCEEDINGS; AND

8 (12) SUBMIT AN ANNUAL REPORT TO THE BOARD.

9 8-6C-12.

10 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN
11 INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY
12 PRACTICE TRADITIONAL MIDWIFERY IN THE STATE.

13 (B) THIS SECTION DOES NOT APPLY TO:

14 (1) AN INDIVIDUAL WHO ASSISTS AT A BIRTH IN AN EMERGENCY;

15 (2) AN INDIVIDUAL WHO IS LICENSED AS A HEALTH CARE
16 PRACTITIONER UNDER THIS ARTICLE AND WHOSE SCOPE OF PRACTICE
17 AUTHORIZES THE PRACTICE OF TRADITIONAL MIDWIFERY; OR

18 (3) A STUDENT WHO IS PRACTICING TRADITIONAL MIDWIFERY
19 UNDER THE SUPERVISION OF A LICENSED MIDWIFE WHILE ENGAGED IN AN
20 APPROVED CLINICAL MIDWIFE EDUCATIONAL EXPERIENCE.

21 8-6C-13.

22 (A) IN ADDITION TO THE EDUCATION AND TRAINING REQUIREMENTS OF
23 SUBSECTION (B) OF THIS SECTION, TO QUALIFY FOR A LICENSE, AN APPLICANT
24 SHALL:

25 (1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
26 ACCORDANCE WITH § 8-303 OF THIS TITLE;

27 (2) BE OF GOOD MORAL CHARACTER;

28 (3) BE AT LEAST 21 YEARS OLD;

1 **(4) HOLD A VALID CERTIFIED PROFESSIONAL MIDWIFE**
2 **CREDENTIAL GRANTED BY NARM;**

3 **(5) HOLD A CURRENT CARDIOPULMONARY RESUSCITATION**
4 **(CPR) CERTIFICATION ISSUED BY THE AMERICAN RED CROSS OR THE**
5 **AMERICAN HEART ASSOCIATION;**

6 **(6) HOLD A CURRENT NEONATAL RESUSCITATION**
7 **CERTIFICATION ISSUED BY THE AMERICAN ACADEMY OF PEDIATRICS; AND**

8 **(7) PROVIDE DOCUMENTATION OF SUCCESSFUL COMPLETION OF**
9 **A PHARMACOLOGY COURSE THAT IS RECOMMENDED BY THE COMMITTEE AND**
10 **APPROVED BY THE BOARD.**

11 **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN**
12 **APPLICANT SHALL BE A HIGH SCHOOL GRADUATE OR HAVE COMPLETED**
13 **EQUIVALENT EDUCATION AND HAVE COMPLETED SATISFACTORILY:**

14 **(1) THE CERTIFIED PROFESSIONAL MIDWIFE CREDENTIAL FROM**
15 **NARM;**

16 **(2) A PHARMACOLOGY COURSE THAT IS RECOMMENDED BY THE**
17 **COMMITTEE AND APPROVED BY THE BOARD; AND**

18 **(3) A PRECEPTORSHIP WITH A PRECEPTOR WHO:**

19 **(I) IS A LICENSED MIDWIFE WHO HAS AT LEAST 3 YEARS OF**
20 **EXPERIENCE AND HAS ATTENDED AT LEAST 50 BIRTHS, OR IS A LICENSED**
21 **NURSE WHO IS CERTIFIED AS A NURSE MIDWIFE;**

22 **(II) OF THE 50 BIRTHS REQUIRED UNDER ITEM (I) OF THIS**
23 **PARAGRAPH, 10 SHALL HAVE BEEN CONTINUITY OF CARE BIRTHS; AND**

24 **(III) HAS ATTENDED AT LEAST 10 BIRTHS IN THE LAST 3**
25 **YEARS.**

26 **8-6C-14.**

27 **TO APPLY FOR A LICENSE, AN APPLICANT SHALL:**

28 **(1) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
29 **ACCORDANCE WITH § 8-303 OF THIS TITLE;**

1 **(2) SUBMIT TO THE BOARD:**

2 **(I) AN APPLICATION ON THE FORM THAT THE BOARD**
3 **REQUIRES; AND**

4 **(II) WRITTEN, VERIFIED EVIDENCE THAT THE**
5 **REQUIREMENT OF ITEM (1) OF THIS SUBSECTION IS BEING MET; AND**

6 **(3) PAY TO THE BOARD A FEE SET BY THE BOARD.**

7 **8-6C-15.**

8 **(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY**
9 **ISSUE A LICENSE BY ENDORSEMENT AND WAIVE THE EDUCATION AND TRAINING**
10 **REQUIREMENTS UNDER § 8-6C-13(B) OF THIS SUBTITLE FOR AN INDIVIDUAL**
11 **WHO IS LICENSED TO PRACTICE TRADITIONAL MIDWIFERY IN ANOTHER STATE.**

12 **(B) THE BOARD MAY ISSUE A LICENSE BY ENDORSEMENT UNDER THIS**
13 **SECTION ONLY IF THE APPLICANT:**

14 **(1) PAYS THE LICENSE FEE REQUIRED BY THE BOARD; AND**

15 **(2) PROVIDES ADEQUATE EVIDENCE THAT THE APPLICANT:**

16 **(I) MEETS THE QUALIFICATIONS OTHERWISE REQUIRED BY**
17 **THIS SUBTITLE; AND**

18 **(II) BECAME LICENSED IN THE OTHER STATE AFTER**
19 **MEETING REQUIREMENTS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE**
20 **REQUIREMENTS OF THIS SUBTITLE.**

21 **8-6C-16.**

22 **(A) SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE BOARD SHALL**
23 **ISSUE A LICENSE TO ANY APPLICANT WHO:**

24 **(1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND**

25 **(2) PAYS A LICENSE FEE SET BY THE BOARD.**

26 **(B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD**
27 **ISSUES A DESIGNATION OF LICENSED MIDWIFE.**

1 **(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD**
2 **INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD**
3 **IN ACCORDANCE WITH § 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO**
4 **GRANT A LICENSE, THE BOARD SHALL CONSIDER:**

5 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

6 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

7 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
8 **CRIME;**

9 **(IV) SUBSEQUENT WORK HISTORY;**

10 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

11 **(VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE**
12 **APPLICANT DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

13 **(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL**
14 **HISTORY RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS**
15 **NOT BEEN RECEIVED.**

16 **8-6C-17.**

17 **A LICENSE ISSUED UNDER THIS SUBTITLE AUTHORIZES THE LICENSEE TO**
18 **PRACTICE TRADITIONAL MIDWIFERY WHILE THE LICENSE IS EFFECTIVE.**

19 **8-6C-18.**

20 **(A) A LICENSE EXPIRES ON A DATE SET BY THE BOARD, UNLESS THE**
21 **LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS**
22 **SECTION.**

23 **(B) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2**
24 **YEARS.**

25 **(C) (1) AT LEAST 3 MONTHS BEFORE A LICENSE EXPIRES, THE**
26 **BOARD SHALL SEND A RENEWAL NOTICE TO THE LICENSEE, BY:**

27 **(I) FIRST-CLASS MAIL TO THE LAST KNOWN MAILING**
28 **ADDRESS OF THE LICENSEE; OR**

1 **(II) ELECTRONIC MEANS TO THE LAST KNOWN ELECTRONIC**
2 **ADDRESS OF THE LICENSEE.**

3 **(2) A RENEWAL NOTICE SHALL STATE:**

4 **(I) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

5 **(II) THE DATE BY WHICH THE RENEWAL APPLICATION MUST**
6 **BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED**
7 **BEFORE THE LICENSE EXPIRES; AND**

8 **(III) THE AMOUNT OF THE RENEWAL FEE.**

9 **(D) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEFORE A**
10 **LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN**
11 **ADDITIONAL TERM IF THE LICENSEE:**

12 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

13 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;**
14 **AND**

15 **(3) SUBMITS TO THE BOARD:**

16 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE**
17 **BOARD REQUIRES; AND**

18 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
19 **CONTINUING EDUCATION OR OTHER COMPETENCY REQUIREMENTS SET UNDER**
20 **THIS SUBTITLE FOR LICENSE RENEWAL.**

21 **(E) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND**
22 **REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD SHALL REQUIRE 20**
23 **CONTINUING EDUCATION UNITS TO BE COMPLETED EVERY 2 YEARS.**

24 **(2) THE CONTINUING EDUCATION UNITS REQUIRED UNDER**
25 **PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE FOUR CONTINUING**
26 **EDUCATION UNITS RELATING TO PEER REVIEW.**

27 **(F) SUBJECT TO SUBSECTION (K) OF THIS SECTION, THE BOARD SHALL**
28 **RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF**
29 **THIS SECTION.**

1 **(G) IF A LICENSEE FAILS TO PROVIDE SATISFACTORY EVIDENCE OF**
2 **COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS SET UNDER**
3 **THIS SUBTITLE FOR LICENSE RENEWAL, SUBJECT TO SUBSECTION (H) OF THIS**
4 **SECTION, THE BOARD SHALL PLACE THE LICENSEE ON INACTIVE STATUS.**

5 **(H) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS,**
6 **IF THE LICENSEE SUBMITS TO THE BOARD:**

7 **(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM**
8 **REQUIRED BY THE BOARD; AND**

9 **(II) THE INACTIVE STATUS FEE SET BY THE BOARD.**

10 **(2) THE BOARD SHALL REACTIVATE THE LICENSE OF AN**
11 **INDIVIDUAL WHO IS ON INACTIVE STATUS, IF THE INDIVIDUAL:**

12 **(I) COMPLIES WITH ANY CONTINUING EDUCATION**
13 **REQUIREMENT ESTABLISHED BY THE BOARD FOR THIS PURPOSE;**

14 **(II) PAYS TO THE BOARD A REACTIVATION FEE SET BY THE**
15 **BOARD; AND**

16 **(III) IS OTHERWISE ENTITLED TO BE LICENSED.**

17 **(I) THE BOARD, IN ACCORDANCE WITH ITS RULES AND REGULATIONS,**
18 **SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS FAILED TO RENEW**
19 **THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:**

20 **(1) IS OTHERWISE ENTITLED TO BE LICENSED;**

21 **(2) COMPLIES WITH ANY CONTINUING EDUCATION**
22 **REQUIREMENTS ESTABLISHED BY THE BOARD FOR THIS PURPOSE;**

23 **(3) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
24 **BOARD; AND**

25 **(4) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE**
26 **LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.**

27 **(J) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF A**
28 **LICENSED MIDWIFE WHO FAILS TO APPLY FOR REINSTATEMENT OF THE**
29 **LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.**

1 **(2) THE INDIVIDUAL MAY BECOME LICENSED BY MEETING THE**
2 **CURRENT REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS**
3 **SUBTITLE.**

4 **(K) (1) A LICENSEE SHALL SUBMIT TO AN ADDITIONAL CRIMINAL**
5 **HISTORY RECORDS CHECK EVERY 12 YEARS.**

6 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD**
7 **INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE**
8 **WITH § 8-303 OF THIS TITLE, IN DETERMINING WHETHER TO RENEW A LICENSE,**
9 **THE BOARD SHALL CONSIDER:**

10 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

11 **(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

12 **(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE**
13 **CRIME;**

14 **(IV) SUBSEQUENT WORK HISTORY;**

15 **(V) EMPLOYMENT AND CHARACTER REFERENCES; AND**

16 **(VI) OTHER EVIDENCE THAT DEMONSTRATES THAT THE**
17 **LICENSEE DOES NOT POSE A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

18 **(3) THE BOARD MAY NOT RENEW A LICENSE IF THE CRIMINAL**
19 **HISTORY RECORD INFORMATION REQUIRED UNDER § 8-303 OF THIS TITLE HAS**
20 **NOT BEEN RECEIVED.**

21 **8-6C-19.**

22 **(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A**
23 **LICENSE, A LICENSED MIDWIFE MAY NOT SURRENDER THE LICENSE NOR MAY**
24 **THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER**
25 **INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.**

26 **(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE**
27 **LICENSED MIDWIFE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE**
28 **PENDING TO ACCEPT SURRENDER OF THE LICENSE.**

29 **8-6C-20.**

1 **(A) SUBJECT TO THE HEARING PROVISIONS OF § 8-317 OF THIS TITLE,**
2 **SUBSECTION (B) OF THIS SECTION, AND § 8-6C-21 OF THIS SUBTITLE, THE**
3 **BOARD MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE,**
4 **PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE IF THE**
5 **APPLICANT OR LICENSEE:**

6 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
7 **OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;**

8 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

9 **(3) PRACTICES, OR ATTEMPTS TO PRACTICE BEYOND THE SCOPE**
10 **OF THE PRACTICE OF TRADITIONAL MIDWIFERY;**

11 **(4) FAILS TO MEET GENERALLY ACCEPTED STANDARDS FOR THE**
12 **PRACTICE OF TRADITIONAL MIDWIFERY;**

13 **(5) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**
14 **TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT**
15 **ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR**
16 **PLEA SET ASIDE;**

17 **(6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY**
18 **AUTHORITY OF ANY STATE OR COUNTRY, CONVICTED OR DISCIPLINED BY A**
19 **COURT OF ANY STATE OR COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE**
20 **UNITED STATES UNIFORMED SERVICES OR THE VETERANS ADMINISTRATION**
21 **FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE**
22 **BOARD'S DISCIPLINARY STATUTES;**

23 **(7) PROVIDES PROFESSIONAL SERVICES WHILE:**

24 **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

25 **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
26 **SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR**
27 **OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT**
28 **VALID MEDICAL INDICATION;**

29 **(8) IS HABITUALLY INTOXICATED;**

30 **(9) IS ADDICTED TO, OR HABITUALLY ABUSES, ANY NARCOTIC OR**
31 **CONTROLLED DANGEROUS SUBSTANCE AS DEFINED IN § 5-101 OF THE**
32 **CRIMINAL LAW ARTICLE;**

1 (10) USES TYPES OF INSTRUMENTS OR PROCEDURES IN THE
2 PRACTICE OF TRADITIONAL MIDWIFERY THAT ARE NOT APPROVED BY THE
3 BOARD;

4 (11) ADVERTISES IN A MANNER THAT VIOLATES THIS SUBTITLE;

5 (12) USES A TITLE NOT AUTHORIZED BY § 8-6C-25(C) OF THIS
6 SUBTITLE;

7 (13) IS CURRENTLY ADJUDICATED AS BEING A DISABLED
8 INDIVIDUAL UNDER TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE;

9 (14) KNOWINGLY PRACTICES TRADITIONAL MIDWIFERY WITH AN
10 UNAUTHORIZED INDIVIDUAL OR SUPERVISES OR AIDS AN UNAUTHORIZED
11 INDIVIDUAL IN THE PRACTICE OF TRADITIONAL MIDWIFERY;

12 (15) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN
13 THE PRACTICE OF TRADITIONAL MIDWIFERY;

14 (16) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS
15 REQUIRED BY LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR
16 RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR
17 RECORD THE REPORT;

18 (17) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

19 (18) VIOLATES A PROVISION OF THIS SUBTITLE OR A RULE OR
20 REGULATION ADOPTED BY THE BOARD;

21 (19) USES OR PROMOTES OR CAUSES THE USE OF A MISLEADING,
22 DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL
23 LITERATURE, OR TESTIMONIAL;

24 (20) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY
25 INCOMPETENT;

26 (21) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS
27 TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

28 (22) BEHAVES IMMORALLY IN THE PRACTICE OF TRADITIONAL
29 MIDWIFERY;

1 **(23) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE**
2 **PRACTICE OF TRADITIONAL MIDWIFERY;**

3 **(24) EXCEPT IN AN EMERGENCY LIFE-THREATENING SITUATION**
4 **WHEN IT IS NOT FEASIBLE OR PRACTICABLE, FAILS TO COMPLY WITH THE**
5 **CENTERS FOR DISEASE CONTROL AND PREVENTION'S GUIDELINES ON**
6 **UNIVERSAL PRECAUTIONS;**

7 **(25) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK**
8 **IN ACCORDANCE WITH § 8-303 OF THIS TITLE;**

9 **(26) FAILS TO ALLOW AN INSPECTION UNDER §§ 8-6C-09 AND**
10 **8-6C-10 OF THIS SUBTITLE;**

11 **(27) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**
12 **CONDUCTED BY THE BOARD;**

13 **(28) PRACTICES TRADITIONAL MIDWIFERY WITHOUT A LICENSE**
14 **BEFORE OBTAINING OR RENEWING A LICENSE, INCLUDING ANY PERIOD WHEN**
15 **THE LICENSE HAS LAPSED;**

16 **(29) AFTER FAILING TO RENEW A LICENSE, COMMITS ANY ACT**
17 **THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;**

18 **(30) ABANDONS A CLIENT IN VIOLATION OF THE RESPONSIBILITY**
19 **OF § 8-6C-04(C) OF THIS SUBTITLE;**

20 **(31) BREACHES CLIENT CONFIDENTIALITY;**

21 **(32) PAYS OR AGREES TO PAY ANY SUM OR PROVIDE ANY FORM OF**
22 **REMUNERATION OR MATERIAL BENEFIT TO ANY INDIVIDUAL FOR BRINGING OR**
23 **REFERRING A CLIENT OR ACCEPTS OR AGREES TO ACCEPT ANY SUM OR ANY**
24 **FORM OF REMUNERATION OR MATERIAL BENEFIT FROM AN INDIVIDUAL FOR**
25 **BRINGING OR REFERRING A CLIENT;**

26 **(33) KNOWINGLY MAKES A MISREPRESENTATION WHILE**
27 **PRACTICING TRADITIONAL MIDWIFERY;**

28 **(34) OFFERS, UNDERTAKES, OR AGREES TO CURE OR TREAT**
29 **DISEASE BY A SECRET METHOD, TREATMENT, OR MEDICINE;**

30 **(35) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**
31 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE; OR**

1 **(36) SELLS, PRESCRIBES, GIVES AWAY, OR ADMINISTERS DRUGS**
2 **FOR ILLEGAL OR ILLEGITIMATE MEDICAL PURPOSES.**

3 **(B) (1) THE PRACTICE OF TRADITIONAL MIDWIFERY IN THE STATE**
4 **ON OR BEFORE OCTOBER 1, 2014, MAY NOT CONSTITUTE GROUNDS FOR THE**
5 **BOARD TO DENY LICENSURE TO AN INDIVIDUAL OR TO DISCIPLINE AN**
6 **INDIVIDUAL WHO OTHERWISE QUALIFIES FOR LICENSURE UNDER THIS**
7 **SUBTITLE.**

8 **(2) THE BOARD SHALL CONDUCT A THOROUGH REVIEW OF ANY**
9 **DISCIPLINARY ACTION AGAINST AN APPLICANT OR LICENSEE THAT TOOK PLACE**
10 **ON OR BEFORE OCTOBER 1, 2014, IN THE STATE OR IN ANOTHER STATE, TO**
11 **DETERMINE WHETHER AN INDIVIDUAL WOULD HAVE OTHERWISE QUALIFIED**
12 **FOR LICENSURE UNDER THIS SUBTITLE, IF THE LICENSURE SCHEME HAD BEEN**
13 **IN PLACE.**

14 **(C) (1) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR**
15 **SUSPENDED BY THE BOARD SHALL RETURN THE LICENSE TO THE BOARD.**

16 **(2) IF AT THAT TIME THE LICENSE IS LOST, THE INDIVIDUAL**
17 **SHALL SEND A SWORN STATEMENT TO THIS EFFECT TO THE BOARD.**

18 **8-6C-21.**

19 **(A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE**
20 **PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 8-6C-20**
21 **OF THIS SUBTITLE, THE BOARD SHALL GIVE THE PERSON AGAINST WHOM THE**
22 **ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
23 **BOARD.**

24 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
25 **ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.**

26 **(C) THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE SENT**
27 **BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, BEARING A POSTMARK**
28 **FROM THE UNITED STATES POSTAL SERVICE, TO THE LAST KNOWN ADDRESS**
29 **OF THE PERSON AT LEAST 30 DAYS BEFORE THE HEARING.**

30 **(D) THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.**

31 **(E) (1) THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS**
32 **IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.**

1 **(2) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A**
2 **SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,**
3 **TESTIFY, OR ANSWER A QUESTION, THEN ON PETITION OF THE BOARD, A COURT**
4 **OF COMPETENT JURISDICTION:**

5 **(I) SHALL COMPEL COMPLIANCE WITH THE SUBPOENA;**
6 **AND**

7 **(II) MAY HOLD THE PERSON IN CONTEMPT OF COURT.**

8 **(F) IF AFTER DUE NOTICE THE PERSON AGAINST WHOM THE ACTION IS**
9 **CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD**
10 **MAY HEAR AND DETERMINE THE MATTER.**

11 **(G) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED**
12 **BY PROCEDURAL DEFECTS ALLEGED TO HAVE OCCURRED PRIOR TO THE FILING**
13 **OF CHARGES.**

14 **(H) (1) AFTER THE BOARD CONDUCTS AN INVESTIGATION UNDER**
15 **THIS SUBTITLE, THE BOARD MAY ISSUE AN ADVISORY LETTER TO THE**
16 **LICENSEE.**

17 **(2) THE BOARD MAY DISCLOSE AN ADVISORY LETTER ISSUED**
18 **UNDER THIS SUBSECTION TO THE PUBLIC.**

19 **(3) THE ISSUANCE OF AN ADVISORY LETTER UNDER THIS**
20 **SUBSECTION MAY NOT:**

21 **(I) BE CONSIDERED A DISCIPLINARY ACTION UNDER §**
22 **8-6C-20 OF THIS SUBTITLE; AND**

23 **(II) BE REPORTED TO ANY LICENSING ENTITY, EMPLOYER,**
24 **OR INSURANCE COMPANY AS A DISCIPLINARY ACTION.**

25 **8-6C-22.**

26 **(A) IF AFTER A HEARING UNDER § 8-6C-21 OF THIS SUBTITLE THE**
27 **BOARD FINDS THAT THERE ARE GROUNDS TO SUSPEND OR REVOKE A LICENSE,**
28 **THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:**

29 **(1) INSTEAD OF SUSPENDING THE LICENSE; OR**

1 **(2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.**

2 **(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR**
3 **THE IMPOSITION OF PENALTIES UNDER THIS SECTION.**

4 **(C) THE BOARD SHALL PAY A PENALTY COLLECTED UNDER THIS**
5 **SECTION TO THE GENERAL FUND OF THE STATE.**

6 **8-6C-23.**

7 **(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A**
8 **PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED**
9 **CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:**

10 **(1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND**

11 **(2) TAKE ANY FURTHER APPEAL ALLOWED BY THE**
12 **ADMINISTRATIVE PROCEDURE ACT.**

13 **(B) (1) A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD**
14 **PURSUANT TO § 8-6C-20 OF THIS SUBTITLE MAY NOT APPEAL TO THE**
15 **SECRETARY OR BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.**

16 **(2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL**
17 **REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.**

18 **(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING REVIEW.**

19 **8-6C-24.**

20 **ON THE APPLICATION OF AN INDIVIDUAL WHOSE LICENSE HAS BEEN**
21 **SUSPENDED OR REVOKED FOR A PERIOD OF MORE THAN 1 YEAR, THE BOARD**
22 **MAY REINSTATE THE LICENSE AFTER 1 YEAR.**

23 **8-6C-25.**

24 **(A) UNLESS AUTHORIZED TO PRACTICE TRADITIONAL MIDWIFERY AN**
25 **INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, DESCRIPTION OF**
26 **SERVICE, METHOD, PROCEDURE, OR OTHERWISE, THAT THE INDIVIDUAL IS**
27 **AUTHORIZED TO PRACTICE TRADITIONAL MIDWIFERY IN THE STATE.**

28 **(B) A LICENSEE MAY NOT ADVERTISE IN A MANNER THAT IS**
29 **UNREASONABLE, MISLEADING, OR FRAUDULENT.**

1 **(C) UNLESS AUTHORIZED TO PRACTICE TRADITIONAL MIDWIFERY**
2 **UNDER THIS SUBTITLE, A PERSON:**

3 **(1) MAY NOT USE THE DESIGNATION “MIDWIFE” OR “LICENSED**
4 **MIDWIFE”;** AND

5 **(2) MAY NOT USE THE ABBREVIATION “L.M.”.**

6 **8-6C-26.**

7 **(A) THE BOARD SHALL ADOPT REGULATIONS THAT SPECIFY THE TYPES**
8 **OF INSTRUMENTS AND PROCEDURES THAT THE BOARD APPROVES FOR USE IN**
9 **THE PRACTICE OF TRADITIONAL MIDWIFERY.**

10 **(B) A LICENSEE MAY USE ONLY THOSE TYPES OF INSTRUMENTS AND**
11 **PROCEDURES IN THE PRACTICE OF TRADITIONAL MIDWIFERY THAT ARE**
12 **APPROVED BY THE BOARD.**

13 **8-6C-27.**

14 **(A) EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, A**
15 **PHYSICIAN LICENSED UNDER TITLE 14 OF THIS ARTICLE, A HEALTH CARE**
16 **FACILITY AS DEFINED IN § 19-114 OF THE HEALTH - GENERAL ARTICLE,**
17 **HEALTH CARE PRACTITIONERS OR EMERGENCY ROOM PERSONNEL WHO WORK**
18 **AT A HEALTH CARE FACILITY, OR EMERGENCY MEDICAL TECHNICIANS OR**
19 **AMBULANCE PERSONNEL MAY NOT BE HELD CIVILLY LIABLE FOR AN ACTION**
20 **ARISING FROM AN INJURY RESULTING FROM AN ACT OR OMISSION OF A**
21 **LICENSED MIDWIFE, EVEN IF THE PERSON HAS CONSULTED WITH THE LICENSED**
22 **MIDWIFE OR ACCEPTED A REFERRAL FROM THE LICENSED MIDWIFE.**

23 **(B) A PHYSICIAN WHO CONSULTS WITH A LICENSED MIDWIFE BUT WHO**
24 **DOES NOT EXAMINE OR TREAT A CLIENT OF THE LICENSED MIDWIFE MAY NOT**
25 **BE DEEMED TO HAVE CREATED A PHYSICIAN-PATIENT RELATIONSHIP WITH THE**
26 **CLIENT.**

27 **8-6C-28.**

28 **IF A LICENSED MIDWIFE IS ENGAGED IN THE PRIVATE PRACTICE OF**
29 **TRADITIONAL MIDWIFERY IN THE STATE, THE LICENSED MIDWIFE SHALL**
30 **DISPLAY THE NOTICE DEVELOPED UNDER § 1-207 OF THIS ARTICLE**
31 **CONSPICUOUSLY IN EACH OFFICE WHERE THE LICENSED MIDWIFE IS ENGAGED**
32 **IN PRACTICE.**

1 **8-6C-29.**

2 A PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY
3 OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
4 EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

5 **8-6C-30.**

6 THIS SUBTITLE MAY BE CITED AS THE MARYLAND LICENSED MIDWIVES
7 ACT.

8 **8-6C-31.**

9 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF
10 THE MARYLAND PROGRAM EVALUATION ACT, AND SUBJECT TO THE
11 TERMINATION OF THIS TITLE UNDER § 8-802 OF THIS TITLE, THIS SUBTITLE
12 AND ALL REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE
13 AND BE OF NO EFFECT AFTER JULY 1, 2023.

14 **Article – State Government**15 **8-405.**

16 (b) Each of the following governmental activities or units and the statutes
17 and regulations that relate to the governmental activities or units are subject to full
18 evaluation, in the evaluation year specified, without the need for a preliminary
19 evaluation:

20 (3) [(i) Nursing, State Board of (§ 8-201 of the Health Occupations
21 Article: 2021)]; and], **INCLUDING:**

22 [(ii) (i) Electrology Practice Committee (§ 8-6B-05 of the
23 Health Occupations Article: 2021); AND

24 **(ii) MIDWIFERY ADVISORY COMMITTEE (§ 8-6C-10 OF THE**
25 **HEALTH OCCUPATIONS ARTICLE: 2021);**

26 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
27 members of the Midwifery Advisory Committee under the State Board of Nursing
28 shall expire as follows:

29 (1) one member in 2015;

30 (2) two members in 2016; and

1 (3) two members in 2017.

2 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December
3 1, 2016, the State Board of Nursing shall report, in consultation with the Midwifery
4 Advisory Committee and in accordance with § 2–1246 of the State Government Article,
5 to the Senate Education, Health, and Environmental Affairs Committee and the
6 House Health and Government Operations Committee regarding:

7 (1) the number of licensed midwives in the State;

8 (2) the number and circumstances of all:

9 (i) healthy birth outcomes attended by licensed midwives;

10 (ii) adverse birth outcomes attended by licensed midwives; and

11 (iii) births where a transfer or transport was made to a health
12 care facility or to the care of another health care practitioner licensed under the
13 Health Occupations Article; and

14 (3) recommendations for the continuation and improvement of the
15 licensure of midwives in the State.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2014.