

HOUSE BILL 838

J2

5l3085
CF 5l3348

By: **Delegate Cullison**

Introduced and read first time: January 29, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Licensed Direct–Entry Midwives – Revisions**

3 FOR the purpose of altering the scope of practice of licensed direct–entry midwives;
4 providing that the practice of direct–entry midwifery is independent and does not
5 require oversight by another health care practitioner; repealing the requirement that
6 licensed direct–entry midwives report certain information to the Direct–Entry
7 Midwifery Advisory Committee; altering the disciplinary actions that may be taken
8 against a licensed direct–entry midwife or an applicant for a license; continuing the
9 Maryland Licensure of Direct–Entry Midwives Act in accordance with the provisions
10 of the Maryland Program Evaluation Act (sunset law) by extending to a certain date
11 the termination provisions relating to the Act; and generally relating to licensed
12 direct–entry midwives.

13 BY repealing and reenacting, without amendments,
14 Article – Health Occupations
15 Section 8–6C–01(a), (d), (e), (f), and (p)
16 Annotated Code of Maryland
17 (2021 Replacement Volume and 2024 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – Health Occupations
20 Section 8–6C–01(n), 8–6C–02, 8–6C–03, 8–6C–04(a) and (b)(2)(x), 8–6C–08,
21 8–6C–10, 8–6C–20(a), and 8–6C–26
22 Annotated Code of Maryland
23 (2021 Replacement Volume and 2024 Supplement)

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

26 **Article – Health Occupations**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-6C-01.

2 (a) In this subtitle the following words have the meanings indicated.

3 (d) “Board” means the State Board of Nursing.

4 (e) “Committee” means the Direct-Entry Midwifery Advisory Committee
5 established under § 8-6C-11 of this subtitle.

6 (f) “Health care practitioner” means:

7 (1) An individual certified as a nurse-midwife or a nurse practitioner
8 under this title; or

9 (2) A physician licensed under Title 14 of this article.

10 (n) (1) “Patient” means [a woman] **AN INDIVIDUAL** for whom a licensed
11 direct-entry midwife performs services.

12 (2) “Patient” includes [a woman’s] **AN INDIVIDUAL’S** newborn for the
13 purpose of perinatal or postpartum care.

14 (p) (1) “Practice direct-entry midwifery” means:

15 (i) Providing maternity care that is consistent with a midwife’s
16 training, education, and experience; and

17 (ii) Identifying and referring patients who require medical care to an
18 appropriate health care provider.

19 (2) “Practice direct-entry midwifery” includes the activities described in §
20 8-6C-02 of this subtitle.

21 8-6C-02.

22 (a) The practice of direct-entry midwifery includes:

23 (1) Providing the necessary supervision, care, and advice to a patient
24 during a low-risk pregnancy, labor, delivery, and postpartum period; and

25 (2) Newborn care authorized under this subtitle that is provided in a
26 manner that is:

27 (i) Consistent with national direct-entry midwifery standards; and

1 (ii) Based on the acquisition of clinical skills necessary for the care
2 of pregnant women and newborns, including antepartum, intrapartum, and postpartum
3 care.

4 (b) The practice of direct-entry midwifery also includes:

5 (1) Obtaining informed consent to provide services to the patient;

6 (2) Discussing:

7 (i) Any general risk factors associated with the services to be
8 provided;

9 (ii) Any specific risk factors pertaining to the health and
10 circumstances of the individual patient;

11 (iii) Conditions that preclude care by a licensed direct-entry midwife;
12 and

13 (iv) The conditions under which consultation, transfer of care, or
14 transport of the patient must be implemented;

15 (3) Obtaining a health history of the patient and performing a physical
16 examination;

17 (4) Developing a written plan of care specific to the patient, to ensure
18 continuity of care throughout the antepartum, intrapartum, and postpartum periods, that
19 includes:

20 (i) A plan for the management of any specific risk factors pertaining
21 to the individual health and circumstances of the individual patient; and

22 (ii) A plan to be followed in the event of an emergency, including a
23 plan for transportation;

24 (5) Evaluating the results of patient care;

25 (6) Consulting and collaborating with a health care practitioner regarding
26 the care of a patient, and referring and transferring care to a health care provider, as
27 required;

28 (7) Referral of all patients, within 72 hours after delivery, to a pediatric
29 health care practitioner for care of the newborn;

30 (8) As approved by the Board:

31 (i) Obtaining and administering medications; and

1 (ii) Obtaining and using equipment and devices;

2 (9) Obtaining appropriate screening and testing, including laboratory
3 tests, urinalysis, and ultrasound;

4 (10) Providing [prenatal] care during the antepartum period, with
5 consultation or referral as required;

6 (11) Providing care during the intrapartum period, including:

7 (i) Monitoring and evaluating the condition of the patient and fetus;

8 (ii) [At the onset of active labor notifying the pediatric health care
9 practitioner that delivery is imminent;

10 (iii)] Performing emergency procedures, including:

11 1. Administering approved medications;

12 2. Administering intravenous fluids for stabilization;

13 3. Performing an emergency episiotomy; and

14 4. Providing care while on the way to a hospital under
15 circumstances in which emergency medical services have not been activated;

16 [(iv)] (III) Activating emergency medical services for an emergency;

17 and

18 [(v)] (IV) Delivering in an out-of-hospital setting;

19 (12) Participating in peer review as required under § 8-6C-18(e)(2) of this
20 subtitle;

21 (13) Providing care during the postpartum period, including:

22 (i) Suturing of first and second degree perineal or labial lacerations,
23 or suturing of an episiotomy with the administration of a local anesthetic; and

24 (ii) Making further contact with the patient within 48 hours, within
25 2 weeks, and at 6 weeks after the delivery to assess for hemorrhage, preeclampsia,
26 thrombo-embolism, infection, and emotional well-being;

27 (14) Providing routine care for the newborn for up to 72 hours after delivery,
28 exclusive of administering immunizations, including:

1 (i) Immediate care at birth, including resuscitating as needed,
2 performing a newborn examination, and administering intramuscular vitamin K and eye
3 ointment for prevention of ophthalmia neonatorum;

4 (ii) Assessing newborn feeding and hydration;

5 (iii) Performing metabolic screening and reporting on the screening
6 in accordance with the regulations related to newborn screenings that are adopted by the
7 Department;

8 (iv) Performing critical congenital heart disease screening and
9 reporting on the screening in accordance with the regulations related to newborn
10 screenings that are adopted by the Department;

11 (v) If unable to perform the screening required under item (iii) or (iv)
12 of this item, referring the newborn to a pediatric health care practitioner to perform the
13 screening within 24 to 48 hours after delivery; and

14 (vi) Referring the infant to an audiologist for a hearing screening in
15 accordance with the regulations related to newborn screenings that are adopted by the
16 Department;

17 (15) [Within 24 hours after delivery, notifying a pediatric health care
18 practitioner of the delivery;

19 (16)] Within 72 hours after delivery:

20 (i) Transferring health records to the pediatric health care
21 practitioner, including documentation of the performance of the screenings required under
22 item (14)(iii) and (iv) of this subsection; and

23 (ii) Referring the newborn to a pediatric health care practitioner;

24 [(17)] (16) Providing the following care of the newborn beyond the first 72
25 hours after delivery:

26 (i) Weight checks and general observation of the newborn's activity,
27 with abnormal findings communicated to the newborn's pediatric health care practitioner;

28 (ii) Assessment of newborn feeding and hydration; and

29 (iii) [Breastfeeding] LACTATION support and counseling; and

30 [(18)] (17) Providing limited services to the patient after the postpartum
31 period, including:

1 (i) [Breastfeeding] LACTATION support and counseling; and

2 (ii) Counseling and referral for all family planning methods.

3 (c) The practice of direct-entry midwifery does not include:

4 (1) Pharmacological induction or augmentation of labor or artificial
5 rupture of membranes prior to the onset of labor;

6 (2) Surgical delivery or any surgery except an emergency episiotomy;

7 (3) Use of forceps or vacuum extractor;

8 (4) Except for the administration of a local anesthetic, administration of an
9 anesthetic;

10 (5) Administration of any kind of narcotic analgesic; or

11 (6) Administration of any prescription medication in a manner that
12 violates this subtitle.

13 **(D) EXCEPT FOR A TRANSFER REQUIRED UNDER § 8-6C-03 OF THIS**
14 **SUBTITLE OR A CONSULTATION REQUIRED UNDER § 8-6C-04 OF THIS SUBTITLE,**
15 **THE PRACTICE OF DIRECT-ENTRY MIDWIFERY IS INDEPENDENT AND DOES NOT**
16 **REQUIRE OVERSIGHT BY ANOTHER HEALTH CARE PRACTITIONER.**

17 8-6C-03.

18 A licensed direct-entry midwife may not assume or continue to take responsibility
19 for a patient's pregnancy and birth care and shall arrange for the orderly transfer of care
20 to a health care practitioner for a patient who is already under the care of the licensed
21 direct-entry midwife, if any of the following disorders or situations is found to be present
22 at the initial interview or if any of the following disorders or situations occur as prenatal
23 care proceeds:

24 (1) Diabetes mellitus, including uncontrolled gestational diabetes;

25 (2) Hyperthyroidism treated with medication;

26 (3) Uncontrolled hypothyroidism;

27 (4) Epilepsy with seizures or antiepileptic drug use during the previous 12
28 months;

29 (5) Coagulation disorders;

30 (6) Chronic pulmonary disease;

- 1 (7) Heart disease in which there are arrhythmias or murmurs except when,
2 after evaluation, it is the opinion of a physician licensed under Title 14 of this article or a
3 licensed nurse certified as a nurse–midwife or a nurse practitioner under this title that
4 midwifery care may proceed;
- 5 (8) Hypertension, including pregnancy–induced hypertension (PIH);
- 6 (9) Renal disease;
- 7 (10) Except as otherwise provided in § 8–6C–04(a)(11) of this subtitle, Rh
8 sensitization with positive antibody titer;
- 9 (11) Previous uterine surgery, including a cesarean section or myomectomy;
- 10 (12) Indications that the fetus has died in utero;
- 11 (13) Premature labor (gestation less than 37 weeks);
- 12 (14) Multiple gestation;
- 13 (15) Noncephalic presentation at or after 38 weeks;
- 14 (16) Placenta previa or abruption;
- 15 (17) Preeclampsia;
- 16 (18) [Severe anemia, defined as hemoglobin less than 10 g/dL;
- 17 (19)] Uncommon diseases and disorders, including Addison’s disease,
18 Cushing’s disease, systemic lupus erythematosus, antiphospholipid syndrome,
19 scleroderma, rheumatoid arthritis, periarteritis nodosa, AND Marfan’s syndrome[, and
20 other systemic and rare diseases and disorders];
- 21 [(20)] (19) AIDS/HIV;
- 22 [(21)] (20) Hepatitis [A through G and non–A through G];
- 23 [(22)] (21) Acute toxoplasmosis infection, if the patient is symptomatic;
- 24 [(23)] (22) Acute Rubella infection during pregnancy;
- 25 [(24)] (23) Acute cytomegalovirus infection, if the patient is symptomatic;
- 26 [(25)] (24) Acute Parvovirus infection, if the patient is symptomatic;

1 [(26)] **(25)** Alcohol abuse, substance abuse, or prescription abuse during
2 pregnancy;

3 [(27)] **(26)** Continued daily tobacco use into the second trimester;

4 [(28)] **(27)** Thrombosis;

5 [(29)] **(28)** Inflammatory bowel disease that is not in remission;

6 [(30)] **(29)** Primary genital herpes simplex virus infection during the third
7 trimester or active genital herpes lesions at the time of labor;

8 [(31)] Significant fetal congenital anomaly;

9 [(32)] **(30)** Ectopic pregnancy; **OR**

10 [(33)] Prepregnancy body mass index (BMI) of less than 18.5 or 35 or more; or

11 [(34)] **(31)** Post term maturity (gestational age 42 0/7 weeks and beyond).

12 8-6C-04.

13 (a) A licensed direct-entry midwife shall consult with a health care practitioner,
14 and document the consultation, the recommendations of the consultation, and the
15 discussion of the consultation with the client, if any of the following conditions are present
16 during [prenatal] **THE COURSE OF** care:

17 (1) Significant mental disease, including depression, bipolar disorder,
18 schizophrenia, and other conditions that impair the ability of the patient to participate
19 effectively in the patient's care or that require the use of psychotropic drugs to control the
20 condition;

21 (2) Second or third trimester bleeding;

22 (3) Intermittent use of alcohol into the second trimester;

23 (4) Asthma;

24 (5) Diet-controlled gestational diabetes;

25 (6) History of genetic problems, intrauterine death after 20 weeks'
26 gestation, or stillbirth;

27 (7) Abnormal pap smear;

28 (8) Possible ectopic pregnancy;

1 (9) Tuberculosis;

2 (10) Controlled hypothyroidism, being treated with thyroid replacement and
3 euthyroid, and with thyroid test numbers in the normal range;

4 (11) Rh sensitization with positive antibody titer;

5 (12) Breech presentation between 35 and 38 weeks;

6 (13) Transverse lie or other abnormal presentation between 35 and 38
7 weeks;

8 (14) Premature rupture of membranes at 37 weeks or less;

9 (15) Small for gestational age or large for gestational age fetus;

10 (16) Polyhydramnios or oligohydramnios;

11 (17) Previous LEEP procedure or cone biopsy;

12 (18) Previous obstetrical problems, including uterine abnormalities,
13 placental abruption, placenta accreta, obstetric hemorrhage, incompetent cervix, or
14 preterm delivery for any reason;

15 (19) Postterm maturity (41 0/7 to 6/7 weeks gestational age);

16 (20) Inflammatory bowel disease, in remission; [or]

17 (21) Active genital herpes lesions during pregnancy;

18 **(22) SEVERE ANEMIA, AS DEFINED AS HEMOGLOBIN LESS THAN 10**
19 **G/DL AND UNRESPONSIVE TO TREATMENT;**

20 **(23) PREPREGNANCY BODY MASS INDEX (BMI) OF LESS THAN 18.5 OR**
21 **35 OR MORE; OR**

22 **(24) SIGNIFICANT FETAL CONGENITAL ANOMALY.**

23 (b) Subject to subsection (c) of this section, a licensed direct-entry midwife shall
24 arrange immediate emergency transfer to a hospital if:

25 (2) The patient or newborn is determined to have any of the following
26 conditions during labor, delivery, or the immediate postpartum period:

27 (x) [Obvious] **LIFE-THREATENING** congenital anomalies;

1 8-6C-08.

2 (a) A licensed direct-entry midwife shall develop a general written plan for their
3 practice for:

4 (1) Emergency transfer of a patient, newborn, or both;

5 (2) Transport of a newborn to a newborn nursery or neonatal intensive care
6 nursery; and

7 (3) Transport of a patient to an appropriate hospital with a labor and
8 delivery unit.

9 (b) The Committee shall review and recommend approval to the Board of the plan
10 required under subsection (a) of this section.

11 (c) [The plan required under subsection (a) of this section shall be provided to any
12 hospital identified in the plan.

13 (d)] (1) In addition to the general written plan required under subsection (a) of
14 this section, a licensed direct-entry midwife shall prepare a plan that is specific to each
15 patient and share the plan with the patient.

16 (2) The plan required under paragraph (1) of this subsection shall:

17 (i) Include procedures and processes to be undertaken in the event
18 of an emergency for the mother, the newborn, or both;

19 (ii) Identify the hospital closest to the address of the planned home
20 birth that has a labor and delivery unit;

21 (iii) Include a care plan for the newborn; and

22 (iv) Identify the pediatric health care practitioner who will be
23 [notified after delivery in accordance with § 8-6C-02(b)(15) of this subtitle to receive the
24 transfer of care of the newborn] **RECEIVING THE HEALTH RECORDS OF THE NEWBORN
25 IN ACCORDANCE WITH § 8-6C-02(B)(15) OF THIS SUBTITLE.**

26 [(e)] **(D)** (1) The Board, in consultation with stakeholders, shall develop a
27 standard form for use in all cases in which a transfer occurs during prenatal care, labor, or
28 postpartum.

29 (2) The form shall include the medical information needed by the health
30 care practitioner receiving the patient.

1 **[(f)] (E)** **[(1)]** After a decision to transport a patient has been made, the
2 licensed direct-entry midwife shall:

3 **[(i)] (1)** Call the receiving health care provider;

4 **[(ii)] (2)** Inform the health care provider of the incoming patient;
5 and

6 **[(iii)]** Accompany the patient to the hospital.]

7 **[(2)] (3)** **[On arrival at the hospital, the licensed direct-entry midwife**
8 **shall provide] PROVIDE:**

9 (i) To the staff of the hospital:

10 1. The standard form developed under subsection (e) of this
11 section; and

12 2. The **[complete]** medical records of the patient **OR**
13 **NEWBORN, AS REQUESTED BY THE RECEIVING HEALTH CARE PROVIDER;** and

14 (ii) To the accepting health care practitioner, a verbal summary of
15 the care provided to the patient by the licensed direct-entry midwife.

16 8-6C-10.

17 (a) **[On or before October 1 each year, a licensed direct-entry midwife shall report**
18 **to the Committee, in a form specified by the Board, the following information regarding**
19 **cases in which the licensed direct-entry midwife assisted during the previous fiscal year**
20 **when the intended place of birth at the onset of care was an out-of-hospital setting:**

21 (1) The total number of patients served as primary caregiver at the onset
22 of care;

23 (2) The number, by county, of live births attended as primary caregiver;

24 (3) The number, by county, of cases of fetal demise, infant deaths, and
25 maternal deaths attended as primary caregiver at the discovery of the demise or death;

26 (4) The number of women whose primary care was transferred to another
27 health care practitioner during the antepartum period and the reason for transfer;

28 (5) The number, reason for, and outcome of each nonemergency hospital
29 transfer during the intrapartum or postpartum period;

1 (6) The number, reason for, and outcome of each urgent or emergency
2 transport of an expectant mother in the antepartum period;

3 (7) The number, reason for, and outcome of each urgent or emergency
4 transport of an infant or mother during the intrapartum or immediate postpartum period;

5 (8) The number of planned out-of-hospital births at the onset of labor and
6 the number of births completed in an out-of-hospital setting;

7 (9) A brief description of any complications resulting in the morbidity or
8 mortality of a mother or a neonate; and

9 (10) Any other information required by the Board in regulations.

10 (b) The Board shall send a written notice of noncompliance to each licensee who
11 fails to meet the reporting requirements under subsection (a) of this section.

12 (c) A licensed direct-entry midwife who fails to comply with the reporting
13 requirements under this section shall be prohibited from license renewal until the
14 information required under subsection (a) of this section is reported.

15 (d) The Committee shall maintain the confidentiality of any report submitted
16 under subsection (a) of this section.

17 (e)] Notwithstanding any other provision of law, a licensed direct-entry midwife
18 shall be subject to the same reporting requirements as other health care practitioners who
19 provide care to individuals in accordance with this title.

20 [(f)] (B) A licensed direct-entry midwife attending an out-of-hospital delivery
21 shall:

22 (1) For any live birth, complete and submit a birth certificate in accordance
23 with § 4-208 of the Health – General Article; and

24 (2) For any death, make all medical records available and communicate
25 relevant circumstances of the death to the individual responsible for completing the
26 certificate of death under § 4-212 or § 4-213 of the Health – General Article.

27 8-6C-20.

28 (a) Subject to the hearing provisions of § 8-317 of this title, the Board may deny
29 a license **OR GRANT A LICENSE, INCLUDING A LICENSE SUBJECT TO A REPRIMAND,**
30 **PROBATION, OR SUSPENSION,** to an applicant, reprimand a licensee, place a licensee on
31 probation, or suspend or revoke [a] **THE license OF A LICENSEE** if the applicant or licensee:

32 (1) Fraudulently or deceptively obtains or attempts to obtain a license for
33 the applicant or for another;

- 1 (2) Fraudulently or deceptively uses a license;
- 2 (3) Is disciplined by a licensing, military, or disciplinary authority in the
3 State or in any other state or country or is convicted or disciplined by a court in the State
4 or in any other state or country for an act that would be grounds for disciplinary action
5 under the Board’s disciplinary statutes;
- 6 (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a
7 crime involving moral turpitude, whether or not any appeal or other proceeding is pending
8 to have the conviction or plea set aside;
- 9 (5) Willfully and knowingly:
- 10 (i) Files a false report or record of an individual under the licensee’s
11 care;
- 12 (ii) Gives any false or misleading information about a material
13 matter in an employment application;
- 14 (iii) Fails to file or record any health record that is required by law;
- 15 (iv) Obstructs the filing or recording of any health record as required
16 by law; or
- 17 (v) Induces another person to fail to file or record any health record
18 as required by law;
- 19 (6) Knowingly does any act that has been determined by the Board, in its
20 regulations, to exceed the scope of practice authorized to the individual under this subtitle;
- 21 (7) Provides professional services while:
- 22 (i) Under the influence of alcohol; or
- 23 (ii) Using any narcotic or controlled dangerous substance, as defined
24 in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic
25 amounts or without valid medical indication;
- 26 (8) Does an act that is inconsistent with generally accepted professional
27 standards in the practice of direct–entry midwifery;
- 28 (9) Is grossly negligent in the practice of direct–entry midwifery;
- 29 (10) Has violated any provision of this title;
- 30 (11) Submits a false statement to collect a fee;

- 1 (12) Is physically or mentally incompetent;
- 2 (13) Knowingly fails to report suspected child abuse in violation of § 5–704
3 of the Family Law Article;
- 4 (14) Except in an emergency life–threatening situation where it is not
5 feasible or practicable, fails to comply with the Centers for Disease Control and
6 Prevention’s guidelines on universal precautions;
- 7 (15) Is in independent practice and fails to display the notice required under
8 § 8–6C–23 of this subtitle;
- 9 (16) Is habitually intoxicated;
- 10 (17) Is addicted to, or habitually abuses, any narcotic or controlled
11 dangerous substance as defined in § 5–101 of the Criminal Law Article;
- 12 (18) Fails to cooperate with a lawful investigation conducted by the Board;
- 13 (19) Is expelled from the rehabilitation program established pursuant to §
14 8–208 of this title for failure to comply with the conditions of the program;
- 15 (20) Engages in conduct that violates the professional code of ethics;
- 16 (21) Is professionally incompetent;
- 17 (22) Practices direct–entry midwifery without a license, before obtaining or
18 renewing a license, including any period when the license has lapsed;
- 19 (23) After failing to renew a license or after a license has lapsed, commits
20 any act that would be grounds for disciplinary action under this section;
- 21 (24) Violates regulations adopted by the Board or an order from the Board;
- 22 (25) Performs an act that is beyond the licensee’s knowledge and skills;
- 23 (26) Fails to submit to a criminal history records check in accordance with §
24 8–303 of this title;
- 25 (27) When acting in a supervisory position, directs another licensed
26 direct–entry midwife to perform an act that is beyond the licensed direct–entry midwife’s
27 knowledge and skills; or
- 28 (28) Fails to file a report required under this subtitle.
- 29 8–6C–26.

1 Subject to the evaluation and reestablishment provisions of the Maryland Program
2 Evaluation Act, and subject to the termination of this subtitle under § 8–802 of this title,
3 this subtitle and all regulations adopted under this subtitle shall terminate and be of no
4 effect after July 1, ~~[2025]~~ **2030**.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
6 1, 2025.