

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 438

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MIDWIFERY; AMENDING SECTION 54-5502, IDAHO CODE, TO DEFINE
2 TERMS; AMENDING SECTION 54-5505, IDAHO CODE, TO REVISE PROVISIONS RE-
3 LATING TO THE BOARD OF MIDWIFERY'S RULEMAKING RESPONSIBILITIES AND TO
4 MAKE A TECHNICAL CORRECTION; AMENDING SECTION 5, CHAPTER 65, LAWS OF
5 2009, TO REVISE A SUNSET DATE; AND AMENDING SECTION 37, CHAPTER 79, LAWS
6 OF 2010, TO REVISE A SUNSET DATE.
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. That Section 54-5502, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 54-5502. DEFINITIONS. As used in this chapter:

12 (1) "Board" means the Idaho state board of midwifery.

13 (2) "Bureau" means the Idaho state bureau of occupational licenses.

14 (3) "Certified professional midwife" or "CPM" means a person who is
15 certified by the North American registry of midwives or any successor organ-
16 ization.

17 (4) "Client" means a woman under the care of a licensed midwife, as well
18 as her fetus and newborn child.

19 (5) "Estimated due date" means the estimated date of delivery with
20 a known date of conception, known date of last menstrual period or first
21 trimester ultrasound.

22 (6) "Idaho midwifery council" or "IMC" means the professional organi-
23 zation representing midwives in Idaho.

24 (~~7~~) "Idahoans for midwives" or "IFM" means the Idaho consumer organi-
25 zation that promotes and supports midwifery care in Idaho.

26 (8) "Licensed health care provider" means a physician or physician as-
27 sistant or an advanced practice registered nurse.

28 (~~9~~) "Licensed midwife" means a person who holds a current license is-
29 sued by the board pursuant to the provisions of this chapter to engage in the
30 practice of midwifery, who shall be designated "L.M."

31 (~~10~~) "Midwifery education accreditation council" or "MEAC" means the
32 organization established in 1991 and recognized by the U.S. department of
33 education as an accrediting agency for midwifery education programs and in-
34 stitutions.

35 (~~11~~) "National association of certified professional midwives" or
36 "NACPM" means the national organization for certified professional mid-
37 wives.

38 (~~12~~) "NACPM essential documents" means the documents adopted by NACPM
39 that identify the nature of and standards of practice for responsible mid-
40 wifery practice.

1 (113) "North American registry of midwives" or "NARM" means the inter-
 2 national certification agency that establishes and administers certifica-
 3 tion for the CPM credential.

4 (124) "Practice of midwifery" means providing maternity care for women
 5 and their newborns during the antepartum, intrapartum and postpartum peri-
 6 ods. The postpartum period for both maternal and newborn care may not exceed
 7 six (6) weeks from the date of delivery.

8 SECTION 2. That Section 54-5505, Idaho Code, be, and the same is hereby
 9 amended to read as follows:

10 54-5505. RULEMAKING. (1) The rules adopted by the board shall:

11 (a) Allow a midwife to obtain and administer, during the practice of
 12 midwifery, the following:

13 (i) Oxygen;

14 (ii) Oxytocin and cytotec as a postpartum antihemorrhagic
 15 agents;

16 (iii) Injectable local anesthetic for the repair of lacerations
 17 that are no more extensive than second degree;

18 (iv) Antibiotics to the mother for group b streptococcus prophy-
 19 laxis consistent with guidelines of the United States centers for
 20 disease control and prevention;

21 (v) Epinephrine to the mother administered via a metered dose
 22 auto-injector;

23 (vi) Intravenous fluids for stabilization of the woman;

24 (vii) Rho(d)immune globulin;

25 (viii) Vitamin K; and

26 (ix) Eye prophylactics to the baby.

27 (b) Prohibit the use of other legend drugs, except those of a similar
 28 nature and character as determined by the board to be consistent with
 29 the practice of midwifery; provided that, at least one hundred twenty
 30 (120) days' advance notice of the proposal to allow the use of such drugs
 31 is given to the board of pharmacy and the board of medicine and neither
 32 board objects to the addition of such drugs to the midwifery formulary;

33 (c) Define a protocol for use by licensed midwives of drugs approved
 34 in paragraphs (a) and (b) of this subsection that shall include methods
 35 of obtaining, storing and disposing of such drugs and an indication for
 36 use, dosage, route of administration and duration of treatment;

37 (d) Define a protocol for medical waste disposal; and

38 (e) Establish scope and practice standards for antepartum, intra-
 39 partum, postpartum and newborn care that shall, at a minimum:

40 (i) Prohibit a licensed midwife from providing care for a client
 41 with a history of disorders, diagnoses, conditions or symptoms
 42 that include:

43 1. Placental abnormality;

44 2. Multiple gestation, except that midwives may provide an-
 45 tepartum care that is supplementary to the medical care of
 46 the physician overseeing the pregnancy, so long as it does
 47 not interfere with the physician's recommended schedule of
 48 care;

3. Noncephalic presentation at the onset of labor or rupture of membranes, whichever occurs first;
4. Birth under thirty-seven and zero-sevenths (37 $\frac{0}{7}$) weeks and ~~after~~ beyond forty-two and zero-sevenths (42 $\frac{0}{7}$) ~~completed weeks~~¹ gestational age;
5. A history of more than one (1) prior cesarean section, a cesarean section within eighteen (18) months of the ~~current delivery~~ estimated due date or any cesarean section that was surgically closed with a classical or vertical uterine incision;
6. ~~Rh or other blood group or p~~Platelet sensitization, hematological or coagulation disorders;
7. A body mass index of forty (40.0) or higher at the time of conception;
8. Prior chemotherapy and/or radiation treatment for a malignancy;
9. Previous pre-eclampsia resulting in premature delivery;
10. Cervical insufficiency; ~~or~~
11. HIV positive status; or
12. Opiate use that places the infant at risk of neonatal abstinence syndrome.

(ii) Prohibit a licensed midwife from providing care for a client with a history of the following disorders, diagnoses, conditions or symptoms unless such disorders, diagnoses, conditions or symptoms are being treated, monitored or managed by a ~~physician licensed pursuant to chapter 18, title 54, Idaho Code~~ licensed health care provider:

1. Diabetes;
2. Thyroid disease;
3. Epilepsy;
4. Hypertension;
5. Cardiac disease;
6. Pulmonary disease;
7. Renal disease;
8. Gastrointestinal disorders;
9. Previous major surgery of the pulmonary system, cardiovascular system, urinary tract or gastrointestinal tract;
10. Abnormal cervical cytology;
11. Sleep apnea;
12. Previous bariatric surgery;
13. Hepatitis; ~~or~~
14. History of illegal drug use or excessive prescription drug use; or
15. Rh or other blood group disorders and a physician determines the pregnancy can safely be attended by a midwife.

(iii) Require a licensed midwife to recommend that a client see a physician licensed under chapter 18, title 54, Idaho Code, or under an equivalent provision of the law of a state bordering Idaho and to document and maintain a record as required by section

1 54-5511, Idaho Code, if such client has a history of disorders,
2 diagnoses, conditions or symptoms that include:

- 3 1. Previous complicated pregnancy;
- 4 2. Previous cesarean section;
- 5 3. Previous pregnancy loss in second or third trimester;
- 6 4. Previous spontaneous premature labor;
- 7 5. Previous pre-term rupture of membranes;
- 8 6. Previous pre-eclampsia;
- 9 7. Previous hypertensive disease of pregnancy;
- 10 8. Parvo;
- 11 9. Toxo;
- 12 10. CMV;
- 13 11. HSV;
- 14 12. Previous maternal/newborn group b streptococcus infec-
- 15 tion;
- 16 13. A body mass index of at least thirty-five (35.0) but less
- 17 than forty (40.0) at the time of conception;
- 18 14. Underlying family genetic disorders with potential for
- 19 transmission; or
- 20 15. Psychosocial situations that may complicate pregnancy.

21 (iv) Require that a licensed midwife shall facilitate the immedi-
22 ate transfer to a hospital for emergency care for disorders, diag-
23 noses, conditions or symptoms that include:

- 24 1. Maternal fever in labor;
- 25 2. Suggestion of fetal jeopardy such as bleeding or meconium
- 26 or abnormal fetal heart tones;
- 27 3. Noncephalic presentation at the onset of labor or rup-
- 28 ture of membranes, whichever occurs first, unless imminent
- 29 delivery is safer than transfer;
- 30 4. Second stage labor after two (2) hours of initiation of
- 31 pushing when the mother has had a previous cesarean section;
- 32 5. Current spontaneous premature labor;
- 33 6. Current pre-term premature rupture of membranes;
- 34 7. Current pre-eclampsia;
- 35 8. Current hypertensive disease of pregnancy;
- 36 9. Continuous uncontrolled bleeding;
- 37 10. Bleeding which necessitates the administration of more
- 38 than two (2) doses of oxytocin or other antihemorrhagic
- 39 agent;
- 40 11. Delivery injuries to the bladder or bowel;
- 41 12. Grand mal seizure;
- 42 13. Uncontrolled vomiting;
- 43 14. Coughing or vomiting of blood;
- 44 15. Severe chest pain; or
- 45 16. Sudden onset of shortness of breath and associated la-
- 46 bored breathing.

47 A transfer of care shall be accompanied by the client's medical
48 record, the licensed midwife's assessment of the client's current
49 condition and a description of the care provided by the licensed
50 midwife prior to transfer;

1 (v) Establish a written plan for the emergency transfer and
 2 transport required in subparagraph (iv) of this paragraph and for
 3 notifying the hospital to which a client will be transferred in
 4 the case of an emergency. If a client is transferred in an emer-
 5 gency, the licensed midwife shall notify the hospital when the
 6 transfer is initiated and accompany the client to the hospital if
 7 feasible, or communicate by telephone with the hospital if unable
 8 to be present personally, and shall provide the client's medical
 9 record. The record shall include the client's name, address, list
 10 of diagnosed medical conditions, list of prescription or over the
 11 counter medications regularly taken, history of previous aller-
 12 gic reactions to medications, if feasible the client's current
 13 medical condition and description of the care provided by the mid-
 14 wife and next of kin contact information. A midwife who deems it
 15 necessary to transfer or terminate care pursuant to this section
 16 and any rules promulgated under this section or for any other rea-
 17 son shall transfer or terminate care and shall not be regarded as
 18 having abandoned care or wrongfully terminated services. Before
 19 nonemergent discontinuing of services, the midwife shall notify
 20 the client in writing, provide the client with names of licensed
 21 physicians and contact information for the nearest hospital
 22 emergency room and offer to provide copies of medical records re-
 23 gardless of whether copying costs have been paid by the client.

24 (f) Establish and operate a system of peer review for licensed midwives
 25 that shall include, but not be limited to, the appropriateness, qual-
 26 ity, utilization and the ethical performance of midwifery care.

27 (2) The rules adopted by the board may not:

28 (a) Require a licensed midwife to have a nursing degree or diploma;

29 (b) Except as a condition imposed by disciplinary proceedings by the
 30 board, require a licensed midwife to practice midwifery under the su-
 31 pervision of another health care provider;

32 (c) Except as a condition imposed in disciplinary proceedings by the
 33 board, require a licensed midwife to enter into an agreement, written or
 34 otherwise, with another health care provider;

35 (d) Limit the location where a licensed midwife may practice midwifery;

36 (e) Allow a licensed midwife to use vacuum extraction or forceps as an
 37 aid in the delivery of a newborn;

38 (f) Grant a licensed midwife prescriptive privilege;

39 (g) Allow a licensed midwife to perform abortions.

40 SECTION 3. That Section 5, Chapter 65, Laws of 2009, be, and the same is
 41 hereby amended to read as follows:

42 SECTION 5. The provisions of Section 1 of this act shall be null, void
 43 and of no force and effect on and after July 1, 2014~~24~~.

44 SECTION 4. That Section 37, Chapter 79, Laws of 2010, be, and the same is
 45 hereby amended to read as follows:

46 SECTION 37. The provisions of Sections 20 ~~and 21~~ through 33 of this act
 47 shall be null, void and of no force and effect on and after July 1, 2014~~24~~.