

1 AN ACT relating to licensed certified professional midwives.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
4 READ AS FOLLOWS:

5 *As used in Sections 1 to 7 of this Act:*

6 *(1) "APRN-designated certified nurse-midwife" means an advanced practice*
7 *registered nurse as defined in KRS 314.011 who is designated by the board as a*
8 *certified nurse-midwife;*

9 *(2) "Certified professional midwifery services":*

10 *(a) Means the provision of care to a person during a low-risk pregnancy,*
11 *childbirth, and the postpartum period, and the care of a normal newborn*
12 *immediately following birth;*

13 *(b) Includes consultation with or referral to medical and other health care*
14 *providers as specified by the board by administrative regulation or when*
15 *otherwise indicated; and*

16 *(c) Does not have the same meaning as the practice of an APRN-designated*
17 *certified nurse-midwife, or the practice of medicine or osteopathy as defined*
18 *in Section 11 of this Act;*

19 *(3) "Council" means the Licensed Certified Professional Midwives Advisory Council*
20 *created in Section 2 of this Act; and*

21 *(4) "Licensed certified professional midwife" means a person who is certified by the*
22 *North American Registry of Midwives and issued a license by the board to*
23 *provide certified professional midwifery services in the Commonwealth of*
24 *Kentucky.*

25 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
26 READ AS FOLLOWS:

27 *(1) The Licensed Certified Professional Midwives Advisory Council is hereby*

1 created, under the Board of Nursing. The council shall advise the board on
2 promulgating administrative regulations regarding qualifications, standards for
3 training, competency determination of licensed certified professional midwives,
4 any necessary statutory changes, and all other matters relating to licensed
5 certified professional midwives.

6 (2) The council shall be appointed by the board and shall consist of:

7 (a) One (1) member of the board, who shall be a nonvoting, ex officio member
8 and serve as the liaison between the chair of the council and the board;

9 (b) Three (3) certified professional midwives who shall be licensed certified
10 professional midwives within six (6) months of the license availability;

11 (c) Two (2) APRN-designated certified nurse-midwives licensed in Kentucky;

12 (d) Two (2) obstetricians licensed in Kentucky;

13 (e) One (1) practicing neonatal health care provider licensed in Kentucky; and

14 (f) One (1) member of the general public.

15 The chair of the council shall be elected annually by members of the council.

16 (3) The board may solicit nominations for the council from interested parties or
17 organizations and shall give consideration to nominees who have experience
18 collaborating with providers of, providing, or utilizing out-of-hospital midwifery
19 services.

20 (4) The board shall specify the terms for the council members, not to exceed four (4)
21 years. Members shall serve at the discretion of the board, may be reappointed at
22 the end of their terms, and shall receive reimbursement for their actual and
23 necessary expenses incurred in the performance of their official duties.

24 (5) A licensed certified professional midwife has the same authority and
25 responsibility as licensed health care providers regarding following public health
26 laws, reporting reportable diseases and conditions, controlling and preventing
27 communicable diseases, recording of vital statistics, obtaining health histories,

1 and performing physical examinations, except that this authority is limited to
2 activity consistent with provision of services authorized by Sections 1 to 7 of this
3 Act.

4 (6) A licensed certified professional midwife shall keep appropriate medical records
5 regarding treatment and outcomes as required by the board by administrative
6 regulation.

7 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
8 READ AS FOLLOWS:

9 The board shall promulgate administrative regulations in accordance with KRS
10 Chapter 13A to:

11 (1) Establish required standards for training programs for licensed certified
12 professional midwives;

13 (2) Establish licensing requirements for licensed certified professional midwives,
14 including but not limited to:

15 (a) Educational requirements that are consistent with United States
16 educational accreditation standards and the United States Midwifery
17 Education, Regulation, and Association statement on the licensure of
18 certified professional midwives;

19 (b) Competency validation certified by a national organization or agency that
20 meets United States accreditation standards and recognized by the board;
21 and

22 (c) Licensed certified professional midwife preceptor programs;

23 (3) Establish statewide requirements for licensed certified professional midwives and
24 hospitals regarding the transfer of care from a licensed certified professional
25 midwife to a hospital as developed by the Transfer Guidelines Work Group
26 established in Section 8 of this Act;

27 (4) Establish provisions for disciplinary actions for licensed certified professional

- 1 midwives;
- 2 (5) Establish fees for the initial license not to exceed one thousand dollars (\$1,000),
3 renewal of a license, reinstatement of a license, and other fees as may be
4 necessary, for licensed certified professional midwives;
- 5 (6) Establish requirements for informed consent by individuals receiving services
6 from a licensed certified professional midwife;
- 7 (7) Establish a list of medical tests that a licensed certified professional midwife may
8 order when providing certified professional midwifery services that is limited to
9 only those tests that are indicated and approved for the safe conduct of
10 pregnancy, labor and birth, and care of a client;
- 11 (8) Establish a formulary of medications that a licensed certified professional
12 midwife may obtain, transport, and administer when providing certified
13 professional midwifery services that is limited to only those medications that are
14 indicated and approved by the board for the safe conduct of pregnancy, labor and
15 birth, and immediate care of the newborn, and that the licensed certified
16 professional midwife is approved to administer and monitor. This subsection
17 shall not be interpreted to bestow prescriptive authority, and the formulary shall
18 not include Schedule II, III, IV, or V drugs as defined in the Controlled
19 Substances Act, 21 U.S.C. secs. 812 et seq.;
- 20 (9) Further regulate, as necessary, the provision of certified professional midwifery
21 services; and
- 22 (10) Require licensed certified professional midwives to report to the board the
23 following information regarding cases in which the licensed certified
24 professional midwife provided services during the previous calendar year when
25 the intended place of birth at the onset of care was in an out-of-hospital setting:
- 26 (a) The total number of clients provided certified professional midwife services
27 at the onset of care;

- 1 **(b) The number of live births attended as a licensed certified professional**
2 **midwife;**
- 3 **(c) The number of cases of fetal demise, newborn deaths, and maternal deaths**
4 **attended as a licensed certified professional midwife at the discovery of the**
5 **demise or death;**
- 6 **(d) The number, reason for, and outcome of each transport of a client in the**
7 **antepartum, intrapartum, or immediate postpartum periods;**
- 8 **(e) A brief description of any complications resulting in the morbidity or**
9 **mortality of a mother or a newborn;**
- 10 **(f) Planned location of delivery and the actual location of delivery; and**
- 11 **(g) Any other information deemed necessary by the board.**

12 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
13 READ AS FOLLOWS:

14 **The board may require a criminal background investigation of an applicant for a**
15 **license as a licensed certified professional midwife by means of a fingerprint check by**
16 **the Department of Kentucky State Police and the Federal Bureau of Investigation.**

17 ➔SECTION 5. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
18 READ AS FOLLOWS:

19 **(1) It shall be unlawful for any person to provide certified professional midwifery**
20 **services unless that person is a licensed certified professional midwife currently**
21 **issued a license by the board in accordance with Sections 1 to 7 of this Act or is a**
22 **licensed health care provider providing services that are within his or her scope**
23 **of practice.**

24 **(2) It shall be unlawful for any person to hold herself or himself out as a licensed**
25 **certified professional midwife authorized to provide services in Kentucky unless**
26 **he or she has been issued a license by the board in accordance with Sections 1 to**
27 **7 of this Act.**

1 (3) It shall be unlawful for any person to operate or to offer to operate or to represent
2 or advertise the operation of a school or program of certified professional
3 midwifery unless the school or program has been approved by the board to do so.

4 (4) It shall be unlawful for any licensed certified professional midwife or employer of
5 a licensed certified professional midwife having knowledge of facts to refrain
6 from reporting to the board a licensed certified professional midwife who violates
7 any provision set forth in administrative regulation for licensed certified
8 professional midwives.

9 (5) It shall be unlawful for any person to provide certified professional midwifery
10 services who is listed on the nurse aide abuse registry with a substantiated finding
11 of abuse, neglect, or misappropriation of property.

12 (6) Nothing in Sections 1 to 7 of this Act shall prohibit a traditional birth attendant
13 providing midwifery services without a license if the traditional birth attendant
14 has cultural or religious traditions that have historically included the attendance
15 of traditional birth attendants at birth, and the birth attendant serves only women
16 and families in that distinct cultural or religious group.

17 (7) Nothing in Sections 1 to 7 of this Act shall prohibit a licensed health care
18 provider or other person from providing emergency delivery services.

19 (8) In accordance with KRS 311.723, a licensed certified professional midwife issued
20 a license by the board in accordance with Sections 1 to 7 of this Act shall not
21 perform an abortion.

22 ➔SECTION 6. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
23 READ AS FOLLOWS:

24 The council shall make recommendations to the board for the promulgation of
25 administrative regulations by the board regarding non-cephalic presentation,
26 multifetal gestation, previous cesarean section, and any conditions as determined by
27 the council that preclude a client from being classified as having a low-risk pregnancy,

1 labor, delivery, or postpartum period, which shall form the basis for any requirements
2 or restrictions imposed by the board on the provision of certified professional
3 midwifery services to a client whose condition is not classified as low-risk.

4 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
5 READ AS FOLLOWS:

6 (1) A licensed physician, advanced practice registered nurse, hospital, emergency
7 room personnel, emergency medical technician ambulance personnel, or other
8 licensed health care provider shall be immune from civil liability for any injuries
9 or death resulting from acts or omissions of a licensed certified professional
10 midwife.

11 (2) Notwithstanding any state law to the contrary, a licensed physician, advanced
12 practice registered nurse, hospital, emergency room personnel, emergency
13 medical technician ambulance personnel, or other licensed health care provider
14 who consults or collaborates with a licensed certified professional midwife or
15 accepts transfer of care of clients of a licensed certified professional midwife is
16 not liable for damages for injuries or death alleged to have occurred by reason of
17 an act or omission, unless it is established that the injuries or the death were
18 caused willfully, wantonly or recklessly, or by gross negligence on the part of the
19 licensed physician, advanced practice registered nurse, hospital, emergency room
20 personnel, emergency medical technician ambulance personnel, or other licensed
21 health care provider.

22 ➔SECTION 8. A NEW SECTION OF KRS CHAPTER 314 IS CREATED TO
23 READ AS FOLLOWS:

24 The Transfer Guidelines Work Group is hereby established as an independent entity to
25 develop statewide requirements for licensed certified professional midwives and
26 hospitals regarding the transfer of care from a licensed certified professional midwife
27 to a hospital. The work group shall select a chair from among the members. The work

1 group shall meet as necessary and submit the developed statewide requirements agreed
 2 to unanimously by the work group to the board within one (1) year of the effective date
 3 of this Act. The board shall promulgate administrative regulations to implement the
 4 requirements developed by the work group. The work group shall cease to exist after
 5 the developed requirements have been submitted to the board unless the board directs
 6 its continuance. The members of the work group shall not be paid or reimbursed for
 7 travel or other expenses. The work group shall consist of the following members:
 8 (1) Three (3) individuals to be appointed by the Kentucky Hospital Association;
 9 (2) Three (3) individuals appointed by the Kentucky Chapter of the National
 10 Association of Certified Professional Midwives; and
 11 (3) One (1) individual nominated by the Kentucky Home Birth Coalition.

12 ➔Section 9. KRS 164.298 is amended to read as follows:

- 13 (1) The governing board as defined in KRS 164.001 of each eligible postsecondary
 14 education institution and college as defined in KRS 164.945 that offers an advanced
 15 practice doctoral degree in nursing shall be accredited by a national nursing
 16 accrediting body that includes but is not limited to the Accreditation Commission
 17 for Education in Nursing, the National League for Nursing Commission for Nursing
 18 Education Accreditation, the Council on Accreditation of Nurse Anesthesia
 19 Educational Programs, the Accreditation Commission for Midwifery Education, or
 20 the Commission on Collegiate Nursing Education and with minimal education and
 21 licensure standards for admission to and graduation from an advanced practice
 22 doctoral program in nursing.
- 23 (2) Each university offering an advanced nursing practice doctoral program shall refer
 24 to the degree as the "doctor of nursing practice," with the degree being abbreviated
 25 as "DNP." Any advertisement about the advanced nursing practice doctoral program
 26 shall not refer to graduates using the term "doctor." Graduates of the program shall
 27 accurately portray their academic credentials as well as their registered nurse and

1 advanced practice registered nurse credentials, if applicable, subject to sanction
2 under KRS 311.375(4).

3 **(3) A licensed certified professional midwife as defined in Section 1 of this Act shall**
4 **not have the same meaning as an advanced practice registered nurse with a**
5 **designation by the Board of Nursing as a certified nurse-midwife.**

6 ➔Section 10. KRS 211.180 (Effective July 1, 2019) is amended to read as
7 follows:

8 (1) The cabinet shall enforce the administrative regulations promulgated by the
9 secretary of the Cabinet for Health and Family Services for the regulation and
10 control of the matters set out below and shall formulate, promote, establish, and
11 execute policies, plans, and comprehensive programs relating to all matters of
12 public health, including but not limited to the following matters:

13 (a) Detection, prevention, and control of communicable diseases, chronic and
14 degenerative diseases, dental diseases and abnormalities, occupational
15 diseases and health hazards peculiar to industry, home accidents and health
16 hazards, animal diseases which are transmissible to man, and other diseases
17 and health hazards that may be controlled;

18 (b) The adoption of regulations specifying the information required in and a
19 minimum time period for reporting a sexually transmitted disease. In adopting
20 the regulations the cabinet shall consider the need for information, protection
21 for the privacy and confidentiality of the patient, and the practical ability of
22 persons and laboratories to report in a reasonable fashion. The cabinet shall
23 require reporting of physician-diagnosed cases of acquired immunodeficiency
24 syndrome based upon diagnostic criteria from the Centers for Disease Control
25 and Prevention of the United States Public Health Service. No later than
26 October 1, 2004, the cabinet shall require reporting of cases of human
27 immunodeficiency virus infection by reporting of the name and other relevant

1 data as requested by the Centers for Disease Control and Prevention and as
2 further specified in KRS 214.645. Nothing in this section shall be construed to
3 prohibit the cabinet from identifying infected patients when and if an effective
4 cure for human immunodeficiency virus infection or any immunosuppression
5 caused by human immunodeficiency virus is found or a treatment which
6 would render a person noninfectious is found, for the purposes of offering or
7 making the cure or treatment known to the patient;

8 (c) The control of insects, rodents, and other vectors of disease; the safe handling
9 of food and food products; the safety of cosmetics; the control of narcotics,
10 barbiturates, and other drugs as provided by law; the sanitation of schools,
11 industrial establishments, and other public and semipublic buildings; the
12 sanitation of state and county fairs and other similar public gatherings; the
13 sanitation of public and semipublic recreational areas; the sanitation of public
14 rest rooms, trailer courts, hotels, tourist courts, and other establishments
15 furnishing public sleeping accommodations; the review, approval, or
16 disapproval of plans for construction, modification, or extension of equipment
17 related to food-handling in food-handling establishments; the licensure of
18 hospitals; and the control of such other factors, not assigned by law to another
19 agency, as may be necessary to insure a safe and sanitary environment;

20 (d) The construction, installation, and alteration of any on-site sewage disposal
21 system, except for a system with a surface discharge;

22 (e) Protection and improvement of the health of expectant mothers, infants,
23 preschool, and school-age children; and

24 ~~(f) [The practice of midwifery, including the issuance of permits to and~~
25 ~~supervision of women who practice midwifery; and~~

26 ~~(g)]~~Protection and improvement of the health of the people through better
27 nutrition.

1 (2) The secretary shall have authority to establish by regulation a schedule of
2 reasonable fees, not to exceed costs of the program to the cabinet to cover inspector
3 hours, but in no event shall the total fees for permitting and inspection increase
4 more than five percent (5%) per year, travel pursuant to state regulations for travel
5 reimbursement, to cover the costs of inspections of manufacturers, retailers, and
6 distributors of consumer products as defined in the Federal Consumer Product
7 Safety Act, 15 U.S.C. secs. 2051 et seq.; 86 Stat. 1207 et seq. or amendments
8 thereto, and of youth camps for the purpose of determining compliance with the
9 provisions of this section and the regulations adopted by the secretary pursuant
10 thereto. Fees collected by the secretary shall be deposited in the State Treasury and
11 credited to a revolving fund account for the purpose of carrying out the provisions
12 of this section. The balance of the account shall lapse to the general fund at the end
13 of each biennium.

14 (3) Any administrative hearing conducted under authority of this section shall be
15 conducted in accordance with KRS Chapter 13B.

16 ➔Section 11. KRS 311.271 is amended to read as follows:

17 (1) No person shall be eligible for licensure to practice any healing art in this state
18 unless and until he furnishes satisfactory evidence to the appropriate licensing
19 agency, that prior to being licensed by the respective state agency that he was
20 credited with not less than sixty (60) transferable units of study by a college or
21 university accredited by the Southern Association of Colleges and Schools or an
22 accrediting agency recognized by the Southern Association of Colleges and Schools
23 or any successor to the powers of either; provided, however, that the transferability
24 of credits from colleges and universities located outside the United States and
25 Canada shall be determined by the appropriate licensing agency.

26 (2) (a) The term "healing art," as used herein, includes the practices of medicine,
27 osteopathy, dentistry, chiropody (podiatry), optometry, and chiropractic, but

1 does not include the practices of Christian Science or midwifery *or the*
2 *provision of certified professional midwifery services by a licensed certified*
3 *professional midwife as defined in Section 1 of this Act.*

4 (b) The term "transferable units of study" means semester hour (or equivalent)
5 credits and may include advance placement credits.

6 (3) This section shall not apply to any student who is enrolled in any school of
7 medicine, osteopathy, dentistry, chiropody (podiatry), optometry, or chiropractic on
8 June 13, 1968, nor shall it affect the right of any person who is presently licensed to
9 practice a healing art in this state, to have his license renewed upon compliance
10 with all other requirements of law.

11 ➔Section 12. KRS 311.550 is amended to read as follows:

12 As used in KRS 311.530 to 311.620 and 311.990(4) to (6):

13 (1) "Board" means the State Board of Medical Licensure;

14 (2) "President" means the president of the State Board of Medical Licensure;

15 (3) "Secretary" means the secretary of the State Board of Medical Licensure;

16 (4) "Executive director" means the executive director of the State Board of Medical
17 Licensure or any assistant executive directors appointed by the board;

18 (5) "General counsel" means the general counsel of the State Board of Medical
19 Licensure or any assistant general counsel appointed by the board;

20 (6) "Regular license" means a license to practice medicine or osteopathy at any place in
21 this state;

22 (7) "Limited license" means a license to practice medicine or osteopathy in a specific
23 institution or locale to the extent indicated in the license;

24 (8) "Temporary permit" means a permit issued to a person who has applied for a regular
25 license, and who appears from verifiable information in the application to the
26 executive director to be qualified and eligible therefor;

27 (9) "Emergency permit" means a permit issued to a physician currently licensed in

1 another state, authorizing the physician to practice in this state for the duration of a
2 specific medical emergency, not to exceed thirty (30) days;

3 (10) Except as provided in subsection (11) of this section, the "practice of medicine or
4 osteopathy" means the diagnosis, treatment, or correction of any and all human
5 conditions, ailments, diseases, injuries, or infirmities by any and all means,
6 methods, devices, or instrumentalities;

7 (11) The "practice of medicine or osteopathy" does not include the practice of Christian
8 Science, the domestic administration of family remedies, the rendering of first aid
9 or medical assistance in an emergency in the absence of a person licensed to
10 practice medicine or osteopathy under the provisions of this chapter, the use of
11 automatic external defibrillators in accordance with the provisions of KRS 311.665
12 to 311.669, the practice of podiatry as defined in KRS 311.380, the practice of
13 dentistry as defined in KRS 313.010, the practice of optometry as defined in KRS
14 320.210, the practice of chiropractic as defined in subsection (2) of KRS 312.015,
15 the practice as a nurse as defined in KRS 314.011, the practice of physical therapy
16 as defined in KRS 327.010, the practice of genetic counseling as defined in KRS
17 311.690, the performance of duties for which they have been trained by paramedics
18 licensed under KRS Chapter 311A, first responders, or emergency medical
19 technicians certified under Chapter 311A, the practice of pharmacy by persons
20 licensed and registered under KRS 315.050, the sale of drugs, nostrums, patented or
21 proprietary medicines, trusses, supports, spectacles, eyeglasses, lenses, instruments,
22 apparatus, or mechanisms that are intended, advertised, or represented as being for
23 the treatment, correction, cure, or relief of any human ailment, disease, injury,
24 infirmity, or condition, in regular mercantile establishments, or the practice of
25 midwifery, or the provision of certified professional midwifery services by a
26 licensed certified professional midwife as defined in Section 1 of this Act by
27 ~~women. KRS 311.530 to 311.620 shall not be construed as repealing the authority~~

- 1 ~~conferred on the Cabinet for Health and Family Services by KRS Chapter 211 to~~
2 ~~provide for the instruction, examination, licensing, and registration of all midwives~~
3 ~~through county health officers};~~
- 4 (12) "Physician" means a doctor of medicine or a doctor of osteopathy;
- 5 (13) "Grievance" means any allegation in whatever form alleging misconduct by a
6 physician;
- 7 (14) "Charge" means a specific allegation alleging a violation of a specified provision of
8 this chapter;
- 9 (15) "Complaint" means a formal administrative pleading that sets forth charges against
10 a physician and commences a formal disciplinary proceeding;
- 11 (16) As used in KRS 311.595(4), "crimes involving moral turpitude" shall mean those
12 crimes which have dishonesty as a fundamental and necessary element, including
13 but not limited to crimes involving theft, embezzlement, false swearing, perjury,
14 fraud, or misrepresentation;
- 15 (17) "Telehealth" means the use of interactive audio, video, or other electronic media to
16 deliver health care. It includes the use of electronic media for diagnosis,
17 consultation, treatment, transfer of medical data, and medical education;
- 18 (18) "Order" means a direction of the board or its panels made or entered in writing that
19 determines some point or directs some step in the proceeding and is not included in
20 the final order;
- 21 (19) "Agreed order" means a written document that includes but is not limited to
22 stipulations of fact or stipulated conclusions of law that finally resolves a grievance,
23 a complaint, or a show cause order issued informally without expectation of further
24 formal proceedings in accordance with KRS 311.591(6);
- 25 (20) "Final order" means an order issued by the hearing panel that imposes one (1) or
26 more disciplinary sanctions authorized by this chapter;
- 27 (21) "Letter of agreement" means a written document that informally resolves a

1 grievance, a complaint, or a show cause order and is confidential in accordance with
2 KRS 311.619;

3 (22) "Letter of concern" means an advisory letter to notify a physician that, although
4 there is insufficient evidence to support disciplinary action, the board believes the
5 physician should modify or eliminate certain practices and that the continuation of
6 those practices may result in action against the physician's license;

7 (23) "Motion to revoke probation" means a pleading filed by the board alleging that the
8 licensee has violated a term or condition of probation and that fixes a date and time
9 for a revocation hearing;

10 (24) "Revocation hearing" means a hearing conducted in accordance with KRS Chapter
11 13B to determine whether the licensee has violated a term or condition of probation;

12 (25) "Chronic or persistent alcoholic" means an individual who is suffering from a
13 medically diagnosable disease characterized by chronic, habitual, or periodic
14 consumption of alcoholic beverages resulting in the interference with the
15 individual's social or economic functions in the community or the loss of powers of
16 self-control regarding the use of alcoholic beverages;

17 (26) "Addicted to a controlled substance" means an individual who is suffering from a
18 medically diagnosable disease characterized by chronic, habitual, or periodic use of
19 any narcotic drug or controlled substance resulting in the interference with the
20 individual's social or economic functions in the community or the loss of powers of
21 self-control regarding the use of any narcotic drug or controlled substance;

22 (27) "Provisional permit" means a temporary permit issued to a licensee engaged in the
23 active practice of medicine within this Commonwealth who has admitted to
24 violating any provision of KRS 311.595 that permits the licensee to continue the
25 practice of medicine until the board issues a final order on the registration or
26 reregistration of the licensee;

27 (28) "Fellowship training license" means a license to practice medicine or osteopathy in

1 a fellowship training program as specified by the license; and
2 (29) "Special faculty license" means a license to practice medicine that is limited to the
3 extent that this practice is incidental to a necessary part of the practitioner's
4 academic appointment at an accredited medical school program or osteopathic
5 school program and any affiliated institution for which the medical school or
6 osteopathic school has assumed direct responsibility.