

28 ~~includes~~] conduct that constitutes unlawful conduct under Subsection 58-1-501(1), it is
29 unlawful conduct for an individual who is not licensed under this chapter to:

30 (a) [~~representing or holding oneself out as a~~] represent or hold out that the individual is
31 a licensed direct-entry midwife [~~when not licensed under this chapter, and~~];

32 (b) [~~using~~] administer prescription medications, except oxygen, [~~while engaged~~] in the
33 practice of direct-entry midwifery [~~when not licensed under this chapter.]; or~~

34 (c) fail to obtain from a client, prior to providing service to the client, the informed
35 consent form described in Section 58-77-604.

36 (2) (a) Except [~~as provided in Subsections (1)(a) and (b)~~] for conduct that constitutes
37 unlawful conduct under Subsection (1), it is lawful to practice direct-entry midwifery in the
38 state without being licensed under this chapter.

39 (b) The practice of direct-entry midwifery is not considered the practice of medicine,
40 nursing, or nurse-midwifery.

41 Section 2. Section 58-77-604 is enacted to read:

42 **58-77-604. Informed consent.**

43 (1) An individual who is not licensed to practice direct-entry midwifery under this
44 chapter shall obtain from the individual's client, before providing services to the client, an
45 informed consent form that:

46 (a) states that:

47 (i) the individual is not licensed by the state;

48 (ii) the individual's education and qualifications have not been reviewed by the state;

49 (iii) the individual is not authorized to carry or administer prescription medications;

50 and

51 (iv) the risk of harm or death to a mother or newborn may be greater because the
52 individual is not licensed under this chapter;

53 (b) describes the types of midwife licenses issued by the state and the minimum
54 qualifications the state requires for an individual to obtain each type of midwife license;

55 (c) describes the services the individual may legally provide to the client under state
56 law;

57 (d) contains a plan for transporting the client to the nearest hospital if a problem occurs
58 during labor or childbirth;

59 (e) discloses whether or not the individual is insured by an insurance policy that covers
60 the practice of direct-entry midwifery; and
61 (f) is signed and dated by:
62 (i) the client; or
63 (ii) if the client is a minor, the client's legal guardian.
64 (2) An individual who is not licensed to practice direct-entry midwifery under this
65 chapter shall retain the consent form described in Subsection (1) for at least 10 years after the
66 day on which the client gives birth.

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