

**SB340 INTRODUCED**



1 JCKRNF-1  
2 By Senator Singleton  
3 RFD: Fiscal Responsibility and Economic Development  
4 First Read: 18-May-23  
5 2023 Regular Session



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SYNOPSIS:

The practice of midwifery is administered and regulated by the State Board of Midwifery.

This bill would provide that the postpartum period during which midwives provide primary maternity care is six weeks post delivery.

This bill would allow midwives to provide care in freestanding birth centers that are not hospitals.

This bill would allow the board to accept grants and gifts under certain circumstances.

This bill would also require midwives to administer certain post-birth newborn screening tests.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the State Board of Midwifery; to amend Sections 34-19-11, 34-19-12, and 34-19-16, Code of Alabama 1975; to provide further for the period during which midwives may provide care after birth; to authorize midwives to provide care in freestanding birth centers; to authorize the board to



## SB340 INTRODUCED

29 accept grants and gifts; and to require midwives to administer  
30 certain tests.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

32 Section 1. Sections 34-19-11, 34-19-12, and 34-19-16,  
33 Code of Alabama 1975, are amended to read as follows:

34 "§34-19-11

35 The following ~~words and phrases shall~~terms have the  
36 following meanings, unless the context clearly indicates  
37 otherwise:

38 (1) BOARD. The State Board of Midwifery.

39 (2) FREESTANDING BIRTH CENTER. A facility where care is  
40 provided in the midwifery and wellness model and where births  
41 are planned to occur. A freestanding birth center shall not be  
42 considered a hospital within the meaning of Section 22-21-20.

43 ~~(2)~~ (3) LICENSED MIDWIFE. A practitioner who holds a  
44 certified professional midwife credential and is licensed by  
45 the board to practice midwifery.

46 ~~(3)~~ (4) MIDWIFERY. The provision of primary maternity  
47 care for women and their newborns during the antepartum,  
48 intrapartum, and postpartum periods. The postpartum period for  
49 both maternal and newborn care may not exceed six weeks from  
50 the date of delivery."

51 "§34-19-12

52 (a) There is created and established a State Board of  
53 Midwifery to implement and administer this chapter.

54 (b) The board shall pay all of its expenses from its  
55 own funds and no expenses shall be borne by the State of  
56 Alabama from the State General Fund.



## SB340 INTRODUCED

57 (c) The board shall consist of seven members appointed  
58 by the Governor and subject to confirmation by the Senate,  
59 from a list of qualified individuals nominated by the  
60 designated organization. Each list shall contain the names of  
61 at least two individuals for each position to be filled.

62 (d) The members of the board shall be appointed for  
63 staggered initial terms and subsequent terms shall be for a  
64 minimum of four years or until his or her successor has been  
65 appointed and qualified.

66 (e) The board shall meet at least twice each year,  
67 conducting its business in person or by electronic methods.

68 (f) The board shall elect one of its members to serve  
69 as chair for a two-year term. ~~The chair may not serve~~  
70 ~~consecutive terms.~~

71 (g) The composition of the board shall be as follows:

72 (1) Four members shall hold a valid certified  
73 professional midwife credential from the North American  
74 Registry of Midwives. These members shall be appointed from a  
75 list of names submitted by the ~~Alabama Birth Coalition~~Alabama  
76 Midwives Alliance or its successor professional midwifery  
77 organization. One of these members shall be appointed to an  
78 initial term of four years, one to a term of three years, and  
79 two to a term of two years.

80 (2) One member shall be a nurse practitioner. This  
81 member shall be appointed to an initial term of four years.

82 (3) One member shall be a licensed certified nurse  
83 midwife or registered nurse licensed under Article 5 of  
84 Chapter 21. This member shall be appointed from a list



## SB340 INTRODUCED

85 submitted by the Alabama Board of Nursing. This member shall  
86 be appointed to an initial term of three years.

87 (4) One member shall have used midwifery services in  
88 the state. This member shall be appointed from a list of names  
89 submitted by the Alabama Birth Coalition. This member shall be  
90 appointed to an initial term of three years.

91 (h) When choosing individuals to be considered by the  
92 Governor for appointment to the board, the nominating  
93 authorities shall strive to assure membership is inclusive and  
94 reflects the racial, gender, geographic, urban, rural, and  
95 economic diversity of the state.

96 (i) All members of the board shall be immune from  
97 individual civil liability while acting within the scope of  
98 their duties as board members, unless conduct is unreasonable.

99 (j) Vacancies shall be filled by the Governor and  
100 confirmed by the Senate in the same manner as other  
101 appointments are made. In the case of a vacancy, the new  
102 appointee shall serve for the remainder of the unexpired term.

103 (k) Members of the board shall serve without  
104 compensation but shall be allowed travel and per diem expenses  
105 at the same rate paid to state employees, to be paid from the  
106 funds collected for the administration of this chapter, as  
107 funds are available.

108 (l) The board may employ, subject to the State Merit  
109 System, investigators, inspectors, attorneys, and any other  
110 agents, employees, and assistants as may from time to time be  
111 necessary, and may use any other means necessary to enforce  
112 the provisions of this chapter.



## SB340 INTRODUCED

113 (m) Pursuant to any terms and conditions adopted by the  
114 board by official resolution, the board may accept gifts and  
115 grants.

116 ~~(m)~~ (n) (1) A licensed midwife shall file annually with  
117 the board the following information on a form prepared by the  
118 board and accessible on its website:

119 a. The total number of births attended by the licensed  
120 midwife in the previous year, including births where the  
121 licensed midwife was assisting another licensed midwife.

122 b. The number of maternal transfers to a health care  
123 facility from births attended by the licensed midwife,  
124 including instances where the licensed midwife was assisting  
125 another licensed midwife.

126 c. The number of infant transfers to a health care  
127 facility from births attended by the licensed midwife,  
128 including instances where the licensed midwife was assisting  
129 another licensed midwife.

130 d. The total number of maternal deaths from births  
131 attended by the licensed midwife, including instances where  
132 the licensed midwife was assisting another licensed midwife.

133 e. The total number of infant deaths from births  
134 attended by the licensed midwife, including instances where  
135 the licensed midwife was assisting another licensed midwife.

136 (2) The board shall make the information collected  
137 under this subsection available to the public in accordance  
138 with federal law.

139 ~~(n)~~ (o) The board shall be subject to the Alabama Sunset  
140 Law, Chapter 20, Title 41, as an enumerated agency as provided



## SB340 INTRODUCED

141 in Section 41-20-3, and shall have a termination date of  
142 October 1, 2021, and every four years thereafter, unless  
143 continued pursuant to the Alabama Sunset Law."

144 "§34-19-16

145 (a) A licensed midwife may provide midwifery care in  
146 the setting of the client's choice, including a freestanding  
147 birth center, except a hospital.

148 (b) A licensed midwife shall ensure that the client has  
149 signed a midwife disclosure form provided by the board  
150 indicating receipt of a written statement that includes all of  
151 the following information:

152 (1) A description of the licensed midwife's education,  
153 training, and experience in midwifery.

154 (2) Antepartum, intrapartum, and postpartum conditions  
155 requiring medical referral, transfer of care, and transport to  
156 a hospital.

157 (3) A plan for medical referral, transfer of care, and  
158 transport of the client or newborn or both when indicated by  
159 specific antepartum, intrapartum, or postpartum conditions.

160 (4) Instructions for filing a complaint against a  
161 licensed midwife.

162 (5) A statement that the licensed midwife must comply  
163 with the federal Health Insurance Portability and  
164 Accountability Act.

165 (6) The status of a licensed midwife's professional  
166 liability insurance coverage.

167 (7) References to current evidence regarding the safety  
168 of midwifery care in out-of-hospital settings, including a



## SB340 INTRODUCED

169 copy of the most recent statement by the American Congress of  
170 Obstetricians and Gynecologists on home birth.

171 (c) A licensed midwife shall ensure that the client has  
172 signed an informed consent form provided by the board.

173 (d) For screening purposes only, a licensed midwife may  
174 order routine antepartum and postpartum laboratory analyses to  
175 be performed by a licensed laboratory.

176 (e) After a client has secured the services of a  
177 licensed midwife, the licensed midwife shall document an  
178 emergency care plan on a form provided by the board.

179 (f) A licensed midwife shall determine the progress of  
180 labor and, when birth is imminent, shall be available until  
181 delivery is accomplished.

182 (g) A licensed midwife shall remain with the client  
183 during the ~~postpartal~~postpartum period until the conditions of  
184 the client and newborn are stabilized.

185 (h) A licensed midwife shall instruct the client  
186 regarding the requirements of the administration of eye  
187 ointment ordered by the Department of Public Health pursuant  
188 to Section 22-20-2.

189 (i) A licensed midwife shall instruct the client  
190 regarding the requirements of administration of newborn health  
191 screening ordered by the Department of Public Health pursuant  
192 to Section 22-20-3.

193 (j) A licensed midwife shall file a birth certificate  
194 for each birth in accordance with the requirements of Section  
195 22-9A-7.

196 (k) A licensed midwife shall collect clinical data





## SB340 INTRODUCED

197 under the Midwives Alliance of North America Statistics  
198 Project for each client who initiates care and shall submit a  
199 copy of the clinical data collected for each consenting client  
200 to the board upon request.

201 (l) A licensed midwife shall report to the Alabama  
202 Department of Public Health pursuant to Chapter 11A, of Title  
203 22, and any other law that requires hospitals or physicians to  
204 report to the Alabama Department of Public Health.

205 (m) A licensed midwife shall provide all information  
206 required to be provided to new mothers pursuant to Section  
207 ~~22-20-3.1, and all information required to be provided to new~~  
208 ~~mothers before discharge by hospitals, as defined in Section~~  
209 ~~22-21-20.~~

210 (n) A licensed midwife shall order and administer those  
211 tests provided in Section 22-20-3 and any rule adopted by the  
212 State Board of Health pursuant to that section relating to the  
213 newborn screening program, to all neonates in his or her care.

214 (o) A licensed midwife may order and administer a  
215 urinalysis or blood glucose test as indicated."

216 Section 2. This act shall become effective on the first  
217 day of the third month following its passage and approval by  
218 the Governor, or its otherwise becoming law.