

HB257 INTRODUCED



1 HB257
2 3CF6EVV-1
3 By Representatives Harrison, Butler, Whorton, Wood (D),
4 Wilcox, Treadaway, Kirkland, Yarbrough, Stadthagen, Ingram,
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7 RFD: Health
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SYNOPSIS:

Existing law authorizes the State Board of Midwifery to administer the practice of midwifery.

This bill would authorize the board to accept gifts and grants.

This bill would authorize licensed midwives to provide midwifery care in freestanding birth centers and to administer certain newborn screening tests.

A BILL
TO BE ENTITLED
AN ACT

Relating to midwifery; to amend Sections 34-19-12, 34-19-14, and 34-19-16, Code of Alabama 1975, to provide further for the powers of the State Board of Midwifery and the practice of midwifery; and to repeal Section 34-19-21, Code of Alabama 1975, relating to coverage or reimbursement for midwifery care.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 34-19-12, 34-19-14, and 34-19-16, Code of Alabama 1975, are amended to read as follows:

"§34-19-12

(a) There is created and established a State Board of



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Midwifery to implement and administer this chapter.

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

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

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

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

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

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

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

(2) One member shall be a nurse practitioner. This



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member shall be appointed to an initial term of four years.

(3) One member shall be a licensed certified nurse midwife or registered nurse licensed under Article 5 of Chapter 21. This member shall be appointed from a list submitted by the Alabama Board of Nursing. This member shall be appointed to an initial term of three years.

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

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

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

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

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

(l) The board may employ, subject to the ~~State~~state



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Merit System, investigators, inspectors, attorneys, and any other agents, employees, and assistants as may from time to time be necessary, and may use any other means necessary to enforce the provisions of this chapter.

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

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

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

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

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

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

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

(2) The board shall make the information collected



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under this subsection available to the public in accordance with federal law.

~~(n)~~ (o) The board shall be subject to the Alabama Sunset Law, Chapter 20, Title 41, as an enumerated agency as provided in Section 41-20-3, and shall have a termination date of October 1, 2021, and every four years thereafter, unless continued pursuant to the Alabama Sunset Law."

"§34-19-14

(a) The board shall do all of the following consistent with this chapter:

(1) Approve, renew, suspend, or revoke licenses for the practice of midwifery.

(2) Investigate and conduct hearings regarding complaints against a licensed midwife in order to determine if disciplinary action is warranted.

(3) Establish reasonable licensure fees, including, but not limited to, initial application, renewal, and reinstatement fees.

(4) Develop standardized forms, including, but not limited to, a midwife disclosure form, informed consent form, emergency care form, and applications for licensure and renewal.

(5) Impose administrative fines, not to exceed one thousand dollars (\$1,000) per violation, for violating this chapter, a board rule, or a condition of a license.

(6) Establish levels of professional liability insurance that must be maintained by a licensed midwife at a limit of no less than one hundred thousand dollars (\$100,000)



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per occurrence and three hundred thousand dollars (\$300,000) aggregate.

(b) (1) The board shall adopt rules pursuant to the Administrative Procedure Act to implement this chapter in a manner consistent with the most current North American Registry of Midwives Job Analysis ~~and with essential documents developed and published by the Midwives Alliance of North America~~. The rules shall include, but not be limited to, provision for all of the following:

- a. Licensing procedures and requirements.
- b. Minimum initial and continuing education requirements for licensure.
- c. Standards by which a licensed midwife shall conduct risk assessment.
- d. Standards for professional conduct.
- e. A standard procedure for investigating complaints.
- f. Requirements for clinical internships for individuals seeking midwifery training.

(2) The rules shall ensure independent practice.

(c) A licensed midwife may not administer or perform any of the following obstetric procedures which are outside of the scope of the licensed practice of midwifery:

- (1) An epidural, spinal, or caudal anesthetic.
- (2) Any type of narcotic analgesia.
- (3) Forceps or a vacuum extractor-assisted delivery.
- (4) Abortion.
- (5) Cesarean section or any surgery or surgical ~~deliver~~delivery except minimal episiotomies.



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(6) Pharmacological induction or augmentation of labor or artificial rupture of membranes prior to the onset of labor.

(7) Except for the administration of local anesthetic, administration of an anesthetic.

(8) Administration of any prescription medication in a manner that violates the Alabama Uniform Controlled ~~Substance~~Substances Act.

(9) Vaginal birth after a cesarean.

(d) A licensed midwife may not perform either of the following:

(1) Delivery of a diagnosed multiple pregnancy.

(2) Delivery of a baby whose position is diagnosed as non-cephalic at the onset of labor."

"§34-19-16

(a) A licensed midwife may provide midwifery care in the setting of the client's choice, ~~except~~including a freestanding birth center, provided a licensed midwife may not provide midwifery care in a hospital.

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

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

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



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

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

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

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

(7) References to current evidence regarding the safety of midwifery care in out-of-hospital settings, including a copy of the most recent statement by the American Congress of Obstetricians and Gynecologists on home birth.

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

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

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

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

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



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

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

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

~~(k) A licensed midwife shall collect clinical data under the Midwives Alliance of North America Statistics Project for each client who initiates care and shall submit a copy of the clinical data collected for each consenting client to the board upon request.~~

~~(l)~~ (k) A licensed midwife shall report to the Alabama Department of Public Health pursuant to Chapter 11A~~7~~ of Title 22~~7~~ and any other law that requires hospitals or physicians to report to the Alabama Department of Public Health.

~~(m)~~ (l) A licensed midwife shall provide all information required to be provided to new mothers pursuant to Section 22-20-3.1~~7~~ and all information required to be provided to new mothers before discharge by hospitals, as defined in Section 22-21-20.

~~(n)~~ (m) A licensed midwife shall order and administer those tests provided in Section 22-20-3~~7~~ and any rule adopted by the State Board of Health pursuant to that section relating



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253 to the newborn screening program, to all neonates in his or
254 her care.

255 ~~(e)~~ (n) A licensed midwife may order and administer a
256 urinalysis or blood glucose test as indicated."

257 Section 2. Section 34-19-21, Code of Alabama 1975,
258 relating to coverage or reimbursement for midwifery care, is
259 repealed.

260 Section 3. This act shall become effective on October
261 1, 2025.