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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 also 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.

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 Midwifery to implement and administer this chapter.

(b) The board shall pay all of its expenses from its



29 own funds and no expenses shall be borne by the State of
30 Alabama from the State General Fund.

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

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

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

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

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

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

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

56 (3) One member shall be a licensed certified nurse



57 midwife or registered nurse licensed under Article 5 of
58 Chapter 21. This member shall be appointed from a list
59 submitted by the Alabama Board of Nursing. This member shall
60 be appointed to an initial term of three years.

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

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

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

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

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

82 (l) The board may employ, subject to the ~~State~~state
83 Merit System, investigators, inspectors, attorneys, and any
84 other agents, employees, and assistants as may from time to



85 time be necessary, and may use any other means necessary to
86 enforce the provisions of this chapter.

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

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

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

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

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

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

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

110 (2) The board shall make the information collected
111 under this subsection available to the public in accordance
112 with federal law.



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

118 "§34-19-14

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

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

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

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

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

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

136 (6) Establish levels of professional liability
137 insurance that must be maintained by a licensed midwife at a
138 limit of no less than one hundred thousand dollars (\$100,000)
139 per occurrence and three hundred thousand dollars (\$300,000)
140 aggregate.



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

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

157 (2) The rules shall ensure independent practice.

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

- 161 (1) An epidural, spinal, or caudal anesthetic.
- 162 (2) Any type of narcotic analgesia.
- 163 (3) Forceps or a vacuum extractor-assisted delivery.
- 164 (4) Abortion.
- 165 (5) Cesarean section or any surgery or surgical
166 ~~deliver~~delivery except minimal episiotomies.
- 167 (6) Pharmacological induction or augmentation of labor
168 or artificial rupture of membranes prior to the onset of



169 labor.

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

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

175 (9) Vaginal birth after a cesarean.

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

178 (1) Delivery of a diagnosed multiple pregnancy.

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

181 "§34-19-16

182 (a) A licensed midwife may provide midwifery care in
183 the setting of the client's choice, except a hospital.

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

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

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

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

196 (4) Instructions for filing a complaint against a



197 licensed midwife.

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

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

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

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

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

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

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

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

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



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

229 (j) A licensed midwife shall file a birth certificate
230 for each birth in accordance with the requirements of Section
231 22-9A-7.

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

237 ~~(l)~~ (k) A licensed midwife shall report to the Alabama
238 Department of Public Health pursuant to Chapter 11A, of Title
239 22, and any other law that requires hospitals or physicians to
240 report to the Alabama Department of Public Health.

241 ~~(m)~~ (l) A licensed midwife shall provide all information
242 required to be provided to new mothers pursuant to Section
243 22-20-3.1, and all information required to be provided to new
244 mothers before discharge by hospitals, as defined in Section
245 22-21-20.

246 ~~(n)~~ (m) A licensed midwife shall order those tests
247 provided in Section 22-20-3 and any rule adopted by the State
248 Board of Health pursuant to that section relating to the
249 newborn screening program, to all neonates in his or her care.
250 However, a licensed midwife may order and administer a heel
251 lance within 72 hours after birth but is prohibited from
252 interpreting any tests or screens under this subsection and



253 shall cause any results to be referred to a physician of the
254 mother's choosing who is licensed to practice medicine in this
255 state. A licensed midwife is prohibited from providing any
256 care to newborns except as otherwise provided in this chapter
257 or in an emergency.

258 ~~(e)~~ (n) A licensed midwife may order and administer a
259 urinalysis or blood glucose test for the mother as indicated."

260 Section 2. This act shall become effective on October
261 1, 2025.