

SB87 INTRODUCED



1 SB87
2 Y5JA226-1
3 By Senator Orr
4 RFD: Healthcare
5 First Read: 04-Feb-25



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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; and to repeal Section 34-19-21, Code of Alabama 1975, relating to insurance 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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29 Midwifery to implement and administer this chapter.

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

112 (2) The board shall make the information collected



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

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

120 "§34-19-14

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

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

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

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

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

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

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



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

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

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

159 (2) The rules shall ensure independent practice.

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

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



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

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

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

177 (9) Vaginal birth after a cesarean.

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

180 (1) Delivery of a diagnosed multiple pregnancy.

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

183 "§34-19-16

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

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

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

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



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

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

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

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

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

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

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

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

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

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



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

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

233 (j) A licensed midwife shall file a birth certificate
234 for each birth in accordance with the requirements of Section
235 22-9A-7.

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

241 ~~(l)~~ (k) A licensed midwife shall report to the Alabama
242 Department of Public Health pursuant to Chapter 11A~~7~~ of Title
243 22, and any other law that requires hospitals or physicians to
244 report to the Alabama Department of Public Health.

245 ~~(m)~~ (l) A licensed midwife shall provide all information
246 required to be provided to new mothers pursuant to Section
247 22-20-3.1~~, and all information required to be provided to new~~
248 ~~mothers before discharge by hospitals, as defined in Section~~
249 ~~22-21-20.~~

250 ~~(n)~~ (m) A licensed midwife shall order and administer
251 those tests~~,~~ provided in Section 22-20-3~~,~~ and any rule adopted
252 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 insurance coverage or reimbursement for midwifery
259 care, is repealed.

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