

1 SB328
2 218870-1
3 By Senators Sanders-Fortier and McClendon
4 RFD: Healthcare
5 First Read: 17-MAR-22

SYNOPSIS: Under existing law, licensed midwives may not administer any obstetric procedures outside the scope of the licensed practice of midwifery, including a vaginal birth after a cesarean.

This bill would remove vaginal birth after a cesarean as a procedure that is a prohibited practice outside the scope of licensed midwifery.

A BILL
TO BE ENTITLED
AN ACT

Relating to licensed midwifery; to amend Section 34-19-14, Code of Alabama 1975, to remove vaginal birth after cesarean as a procedure that is a prohibited practice for a licensed midwife.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-19-14, Code of Alabama 1975, is amended to read as follows:

"§34-19-14.

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

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

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

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

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

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

18 "(6) Establish levels of professional liability
19 insurance that must be maintained by a licensed midwife at a
20 limit of no less than one hundred thousand dollars (\$100,000)
21 per occurrence and three hundred thousand dollars (\$300,000)
22 aggregate.

23 "(b) (1) The board shall adopt rules pursuant to the
24 Administrative Procedure Act to implement this chapter in a
25 manner consistent with the most current North American
26 Registry of Midwives Job Analysis and with essential documents
27 developed and published by the Midwives Alliance of North

1 America. The rules shall include, but not be limited to,
2 provision for all of the following:

3 "a. Licensing procedures and requirements.

4 "b. Minimum initial and continuing education
5 requirements for licensure.

6 "c. Standards by which a licensed midwife shall
7 conduct risk assessment.

8 "d. Standards for professional conduct.

9 "e. A standard procedure for investigating
10 complaints.

11 "f. Requirements for clinical internships for
12 individuals seeking midwifery training.

13 "(2) The rules shall ensure independent practice.

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

17 "(1) An epidural, spinal, or caudal anesthetic.

18 "(2) Any type of narcotic analgesia.

19 "(3) Forceps or a vacuum extractor-assisted
20 delivery.

21 "(4) Abortion.

22 "(5) Cesarean section or any surgery or surgical
23 ~~deliver~~ delivery except minimal episiotomies.

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

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

3 "(8) Administration of any prescription medication
4 in a manner that violates the Alabama Uniform Controlled
5 Substance Act.

6 "~~(9) Vaginal birth after a cesarean.~~

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

9 "(1) Delivery of a diagnosed multiple pregnancy.

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

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