

HB312 INTRODUCED



1 HB312
2 68CR111-1
3 By Representatives Harrison, Pettus, Butler, Whorton, Brown,
4 Treadaway, Yarbrough, Wood (D), Ingram, Fincher, Fidler, Lamb,
5 Stubbs, Starnes
6 RFD: Health
7 First Read: 07-Mar-24

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4 SYNOPSIS:

5 Under existing law, the State Board of Midwifery
6 regulates midwives and the practice of midwifery in the
7 state.

8 This bill would expand definitions, allow
9 midwifery services to be provided in freestanding birth
10 centers, allow the board to accept gifts and grants,
11 and to make nonsubstantive, technical revisions to
12 update the existing code language to current style.

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14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 Relating to the State Board of Midwifery; to amend
20 Sections 34-19-11, 34-19-12, 34-19-14, and 34-19-16, Code of
21 Alabama 1975, to expand definitions, allow midwifery services
22 to be provided in freestanding birth centers, allow the board
23 to accept gifts and grants, and to make nonsubstantive,
24 technical revisions to update the existing code language to
25 current style.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

27 Section 1. Sections 34-19-11, 34-19-12, 34-19-14, and
28 34-19-16, Code of Alabama 1975, are amended to read as



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follows:

"§34-19-11

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

(1) BOARD. The State Board of Midwifery.

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

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

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

"§34-19-12

(a) There is created and established ~~an independent,~~ self-governing State Board of 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



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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~~Alabama 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 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



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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 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.



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

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

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

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

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

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

133 (2) The board shall make the information collected
134 under this subsection available to the public in accordance
135 with federal law.

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



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141 "§34-19-14

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

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

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

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

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

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

159 (6) Establish levels of professional liability
160 insurance that must be maintained by a licensed midwife at a
161 limit of no less than one hundred thousand dollars (\$100,000)
162 per occurrence and three hundred thousand dollars (\$300,000)
163 aggregate.

164 (b) (1) The board shall adopt rules pursuant to the
165 Administrative Procedure Act to implement this chapter in a
166 manner consistent with the most current North American
167 Registry of Midwives Job Analysis and with essential documents
168 developed and published by the Midwives Alliance of North



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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~~ that 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.
- (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



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197 Act.

198 (9) Vaginal birth after a cesarean.

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

201 (1) Delivery of a diagnosed multiple pregnancy.

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

204 "§34-19-16

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

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

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

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

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

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

223 (5) A statement that the licensed midwife must comply
224 with the federal Health Insurance Portability and



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225 Accountability Act.

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

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

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

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

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

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

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

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

250 (i) A licensed midwife shall instruct the client
251 regarding the requirements of administration of newborn health
252 screening ordered by the Department of Public Health pursuant



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

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

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

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

Section 2. This act shall become effective on October 1, 2024.