

FIRST REGULAR SESSION

# HOUSE BILL NO. 894

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES LONG (Sponsor), SCHOELLER, HOUGH, KOENIG, CAUTHORN, KORMAN, WALLINGFORD, BAHR, HIGDON, FAITH, OXFORD, HUGHES, BURLISON, FRANZ, DUGGER, ZERR, FISHER, McCAHERTY, FRAKER, McGHEE, LANT, LEACH, DAVIS, CURTMAN, FUNDERBURK, COOKSON, SCHAD, McNARY, RICHARDSON AND FITZWATER (Co-sponsors).

1935L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 191.331, 193.085, 334.010, 334.120, and 334.260, RSMo, and to enact in lieu thereof fourteen new sections relating to midwifery, with a penalty provision.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 191.331, 193.085, 334.010, 334.120, and 334.260, RSMo, are  
2 repealed and fourteen new sections enacted in lieu thereof, to be known as sections 191.331,  
3 193.085, 324.1400, 324.1403, 324.1406, 324.1409, 324.1412, 324.1415, 324.1418, 324.1421,  
4 324.1424, 324.1427, 334.010, and 334.120, to read as follows:

191.331. 1. Every infant who is born in this state shall be tested for phenylketonuria and  
2 such other metabolic or genetic diseases as are prescribed by the department. The test used by  
3 the department shall be dictated by accepted medical practice and such tests shall be of the types  
4 approved by the department. All newborn screening tests required by the department shall be  
5 performed by the department of health and senior services laboratories. The attending physician,  
6 **licensed professional midwife**, certified nurse midwife, public health facility, ambulatory  
7 surgical center or hospital shall assure that appropriate specimens are collected and submitted  
8 to the department of health and senior services laboratories.

9 2. All physicians, **licensed professional midwives**, certified nurse midwives, public  
10 health nurses and administrators of ambulatory surgical centers or hospitals shall report to the  
11 department all diagnosed cases of phenylketonuria and other metabolic or genetic diseases as

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 designated by the department. The department shall prescribe and furnish all necessary reporting  
13 forms.

14           3. The department shall develop and institute educational programs concerning  
15 phenylketonuria and other metabolic and genetic diseases and assist parents, physicians, hospitals  
16 and public health nurses in the management and basic treatment of these diseases.

17           4. The provisions of this section shall not apply if the parents of such child object to the  
18 tests or examinations provided in this section on the grounds that such tests or examinations  
19 conflict with their religious tenets and practices.

20           5. As provided in subsection 4 of this section, the parents of any child who fail to have  
21 such test or examination administered after notice of the requirement for such test or examination  
22 shall be required to document in writing such refusal. All physicians, **licensed professional**  
23 **midwives**, certified nurse midwives, public health nurses and administrators of ambulatory  
24 surgical centers or hospitals shall provide to the parents or guardians a written packet of  
25 educational information developed and supplied by the department of health and senior services  
26 describing the type of specimen, how it is obtained, the nature of diseases being screened, and  
27 the consequences of treatment and nontreatment. The attending physician, **licensed professional**  
28 **midwife**, certified nurse midwife, public health facility, ambulatory surgical center or hospital  
29 shall obtain the written refusal and make such refusal part of the medical record of the infant.

30           6. Notwithstanding the provisions of section 192.015 to the contrary, the department  
31 may, by rule, annually determine and impose a reasonable fee for each newborn screening test  
32 made in any of its laboratories. The department may collect the fee from any entity or individual  
33 described in subsection 1 of this section in a form and manner established by the department.  
34 Such fee shall be considered as a cost payable to such entity by a health care third-party payer,  
35 including, but not limited to, a health insurer operating pursuant to chapter 376, a domestic  
36 health services corporation or health maintenance organization operating pursuant to chapter 354,  
37 and a governmental or entitlement program operating pursuant to state law. Such fee shall not  
38 be considered as part of the internal laboratory costs of the persons and entities described in  
39 subsection 1 of this section by such health care third-party payers. No individual shall be denied  
40 screening because of inability to pay. Such fees shall be deposited in a separate account in the  
41 public health services fund created in section 192.900, and funds in such account shall be used  
42 for the support of the newborn screening program and activities related to the screening,  
43 diagnosis, and treatment, including special dietary products, of persons with metabolic and  
44 genetic diseases; and follow-up activities that ensure that diagnostic evaluation, treatment and  
45 management is available and accessible once an at-risk family is identified through initial  
46 screening; and for no other purpose. These programs may include education in these areas and  
47 the development of new programs related to these diseases.

48           7. Subject to appropriations provided for formula for the treatment of inherited diseases  
49 of amino acids and organic acids, the department shall provide such formula to persons with  
50 inherited diseases of amino acids and organic acids subject to the conditions described in this  
51 subsection. State assistance pursuant to this subsection shall be available to an applicant only  
52 after the applicant has shown that the applicant has exhausted all benefits from third-party  
53 payers, including, but not limited to, health insurers, domestic health services corporations,  
54 health maintenance organizations, Medicare, Medicaid and other government assistance  
55 programs.

56           8. Assistance under subsection 7 of this section shall be provided to the following:

57           (1) Applicants ages birth to five years old meeting the qualifications under subsection  
58 7 of this section;

59           (2) Applicants between the ages of six to eighteen meeting the qualifications under  
60 subsection 7 of this section and whose family income is below three hundred percent of the  
61 federal poverty level;

62           (3) Applicants between the ages of six to eighteen meeting the qualifications under  
63 subsection 7 of this section and whose family income is at three hundred percent of the federal  
64 poverty level or above. For these applicants, the department shall establish a sliding scale of fees  
65 and monthly premiums to be paid in order to receive assistance under subsection 7 of this  
66 section; and

67           (4) Applicants age nineteen and above meeting the qualifications under subsection 7 of  
68 this section and who are eligible under an income-based means test established by the department  
69 to determine eligibility for the assistance under subsection 7 of this section.

70           9. The department shall have authority over the use, retention, and disposal of biological  
71 specimens and all related information collected in connection with newborn screening tests  
72 conducted under subsection 1 of this section. The use of such specimens and related information  
73 shall only be made for public health purposes and shall comply with all applicable provisions of  
74 federal law. The department may charge a reasonable fee for the use of such specimens for  
75 public health research and preparing and supplying specimens for research proposals approved  
76 by the department.

193.085. 1. A certificate of birth for each live birth which occurs in this state shall be  
2 filed with the local registrar, or as otherwise directed by the state registrar, within five days after  
3 such birth and shall be registered if such certificate has been completed and filed pursuant to the  
4 provisions of this section.

5           2. When a birth occurs in an institution or en route to an institution, the person in charge  
6 of the institution or such person's designated representative shall obtain the personal data,  
7 prepare the certificate, certify that the child was born alive at the place and time and on the date

8 stated either by signature or an electronic process approved by the department, and file the  
9 certificate pursuant to this section or as otherwise directed by the state registrar within the  
10 required five days. The physician, **licensed professional midwife**, or other person in attendance  
11 shall provide the medical information required by the certificate and certify to the facts of birth  
12 within five days after the birth. If the physician, **licensed professional midwife**, or other person  
13 in attendance does not certify to the facts of birth within the five-day period, the person in charge  
14 of the institution shall complete the certificate.

15 3. When a birth occurs outside an institution, the certificate shall be prepared and filed  
16 by one of the following in the indicated order of priority:

17 (1) The physician in attendance at or immediately after the birth;

18 (2) **The professional midwife in attendance at or immediately after the birth;**

19 (3) Any other person in attendance at or immediately after the birth;

20 [(3)] (4) The father, the mother, or, in the absence of the father and the inability of the  
21 mother, the person in charge of the premises where the birth occurred.

22 4. **Certificates of birth filed by a licensed professional midwife who signs as the**  
23 **certifier of the certificate of birth shall not require signatures of a notary or any other**  
24 **witnesses. The certified title section on the birth certificate application shall include a**  
25 **checkbox for "Certified Professional Midwife" or "C.P.M."**.

26 5. When a birth occurs on a moving conveyance within the United States and the child  
27 is first removed from the conveyance in this state, the birth shall be registered in this state and  
28 such place shall be considered the place of birth. When a birth occurs on a moving conveyance  
29 while in international waters or air space or in a foreign country or its air space and the child is  
30 first removed from the conveyance in this state, the birth shall be registered in this state but the  
31 certificate shall show the actual place of birth insofar as can be determined.

32 [5.] 6. If the mother was married at the time of either conception or birth, or between  
33 conception and birth, the name of the husband shall be entered on the certificate as the father of  
34 the child, unless:

35 (1) Paternity has been determined otherwise by a court of competent jurisdiction; or

36 (2) The mother executes an affidavit attesting that the husband is not the father and the  
37 putative father is the father, and the putative father executes an affidavit attesting that he is the  
38 father, and the husband executes an affidavit attesting that he is not the father. If such affidavits  
39 are executed, the putative father shall be shown as the father on the birth certificate and the  
40 signed acknowledgment of paternity shall be considered a legal finding of paternity. The  
41 affidavits shall be as provided for in section 193.215.

42 [6.] 7. In any case in which paternity of a child is determined by a court of competent  
43 jurisdiction, the name of the father and surname of the child shall be entered on the certificate  
44 of birth pursuant to the finding and order of the court.

45 [7.] 8. Notwithstanding any other law to the contrary, if a child is born to unmarried  
46 parents, the name of the father and other required information shall be entered on the certificate  
47 of birth only if an acknowledgment of paternity pursuant to section 193.215 is completed, or if  
48 paternity is determined by a court of competent jurisdiction or by an administrative order of the  
49 family support division.

50 [8.] 9. If the father is not named on the certificate of birth, no other information about  
51 the father shall be entered on the certificate.

52 [9.] 10. The birth certificate of a child born to a married woman as a result of artificial  
53 insemination, with consent of her husband, shall be completed pursuant to the provisions of  
54 subsection [5] 6 of this section.

55 [10.] 11. Either of the parents of the child, or other informant, shall attest to the accuracy  
56 of the personal data entered on the certificate in time to permit the filing of the certificate within  
57 the required five days.

**324.1400. As used in sections 324.1400 to 324.1427, the following terms shall mean:**

- 2 (1) "Antepartum", before birth;
- 3 (2) "Board", the board of professional midwives;
- 4 (3) "Client", a person who retains the services of a professional midwife;
- 5 (4) "Professional midwife", any person who is certified by the North American  
6 Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for  
7 compensation those skills relevant to the care of women and infants in the antepartum,  
8 intrapartum, and postpartum period;
- 9 (5) "Division", the division of professional registration within the department of  
10 insurance, financial institutions and professional registration;
- 11 (6) "Intrapartum", during birth;
- 12 (7) "Postpartum", after birth;
- 13 (8) "Practice of professional midwifery", the science and art of examination,  
14 evaluation, assessment, counseling and treatment of women and infants in the antepartum,  
15 intrapartum and postpartum period by those methods commonly taught in any midwifery  
16 school, or midwifery program in a university or college, which has been accredited by the  
17 Midwifery Education Accreditation Council, its successor entity, or approved by the board,  
18 including identifying and referring women who require obstetrical or other professional  
19 care. The practice of professional midwifery shall not include the use of operative surgery

20 nor the prescribing of drugs. The practice of professional midwifery, as defined in this  
21 subdivision, is declared:

22 (a) Not to be the practice of medicine or osteopathy within the meaning of chapter  
23 334 and not subject to the provisions of chapter 334; and

24 (b) Not to be the practice of nurse-midwifery or nursing within the meaning of  
25 chapter 335 and not subject to the provisions of chapter 335.

324.1403. 1. There is hereby created and established within the division of  
2 professional registration the "Board of Professional Midwives" which consists of six  
3 members appointed by the governor with the advice and consent of the senate. Each  
4 member shall be a United States citizen and resident of this state for at least one year  
5 immediately preceding their appointment. Of the six members, one member shall be a  
6 public member and five members shall be licensed professional midwives who attend births  
7 in homes or other out-of-hospital settings; provided that, the initial midwife members  
8 appointed need not be licensed at the time of appointment if they are actively working  
9 toward licensure under sections 324.1400 to 324.1427.

10 2. The initial appointments to the board shall be two members for a term of one  
11 year, two members for a term of two years, and two members for a term of three years.  
12 After the initial terms, each member shall serve a three-year term. No member of the  
13 board shall serve more than two consecutive three-year terms. All successor members shall  
14 be appointed for three-year terms. All members shall serve until their successors have  
15 been appointed and qualified. Vacancies occurring in the membership of the board for any  
16 reason shall be filled by appointment by the governor for the unexpired term.

17 3. The public member shall not be a member of any profession regulated by  
18 chapter 334 or 335, or under sections 324.1400 to 324.1427, or the spouse or immediate  
19 family member of such person. The public member is subject to the provisions of section  
20 620.132.

21 4. The board may sue and be sued in its own name and its members need not be  
22 named parties. Members of the board shall not be personally liable, either jointly or  
23 severally, for any act or acts committed in the performance of their official duties as board  
24 members. No board member shall be personally liable for any court costs which accrue  
25 in any action by or against the board.

26 5. Notwithstanding any other provision of law to the contrary, any appointed  
27 member of the board shall receive as compensation an amount established by the director  
28 of the division of professional registration not to exceed fifty dollars per day for board  
29 business plus actual and necessary expenses.

30           **6. The division shall employ administrative and clerical personnel necessary to**  
31 **enforce the provisions of sections 324.1400 to 324.1427.**

32           **7. The board shall hold an annual meeting at which time it shall elect from its**  
33 **membership a chairperson and vice chairperson. The board may hold such additional**  
34 **meetings as may be required in the performance of its duties. A quorum of the board shall**  
35 **consist of a majority of its members.**

36           **8. In accordance with section 620.106, no new licensing activity or other statutory**  
37 **requirements shall become effective until expenditures or personnel are specifically**  
38 **appropriated for the purpose of conducting the business as required to administer the**  
39 **provisions of sections 324.1400 to 324.1427 and the initial rules filed have become effective.**

**324.1406. 1. Applications for licensure as a professional midwife shall be in writing**  
2 **and submitted to the board on forms prescribed by the board and furnished to the**  
3 **applicant. Each application shall contain a statement that it is made under oath or**  
4 **affirmation and that the information contained therein is true and correct to the best**  
5 **knowledge and belief of the applicant, subject to the penalties provided for the making of**  
6 **a false affidavit or declaration. Each application shall be accompanied by the fees required**  
7 **by the board.**

8           **2. Each applicant for licensure shall:**

9           **(1) Present evidence of current certification by the North American Registry of**  
10 **Midwives (NARM) as a certified professional midwife (CPM);**

11           **(2) Present evidence of current certification in basic life support (BLS) for**  
12 **healthcare providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal**  
13 **resuscitation;**

14           **(3) Comply with the written disclosure requirement under subsection 1 of section**  
15 **324.1415.**

16           **3. (1) The division shall mail a renewal notice to the last known address of each**  
17 **licensee prior to the renewal date. Failure to provide the board with the information**  
18 **required for renewal or to pay the renewal fee after such notice shall result in the license**  
19 **expiring. The license shall be reinstated if, within two years of the renewal date, the**  
20 **applicant submits the required documentation and pays the applicable fees as approved**  
21 **by the board.**

22           **(2) Each license issued under this section shall expire three years after the date of**  
23 **its issuance. Each applicant for renewal shall submit:**

24           **(a) Evidence of attendance at a minimum of ten hours per year of continuing**  
25 **education in midwifery or related fields;**

26           **(b) Evidence of attendance at a minimum of three hours per year of peer review;**

27 (c) Evidence of current certification in basic life support (BLS) for healthcare  
28 providers, and either infant cardiopulmonary resuscitation (CPR) or neonatal  
29 resuscitation; and

30 (d) The renewal fee set by the board.

31 (3) The board may refuse to issue or renew any certificate of registration or  
32 authority, permit, or license required under this chapter for one or any combination of  
33 causes stated in subsection 4 of this section. The board shall notify the applicant in writing  
34 of the reasons for the refusal and shall advise the applicant of the applicant's right to file  
35 a complaint with the administrative hearing commission as provided by chapter 621. As  
36 an alternative to a refusal to issue or renew any certificate, registration, or authority, the  
37 board may, at its discretion, issue a license which is subject to probation, restriction, or  
38 limitation to an applicant for licensure for any one or any combination of causes stated in  
39 subsection 4 of this section. The board's order of probation, limitation, or restriction shall  
40 contain a statement of the discipline imposed, the basis therefore, the date such action shall  
41 become effective, and a statement that the applicant has thirty days to request in writing  
42 a hearing before the administrative hearing commission. If the board issues a  
43 probationary, limited, or restricted license to an applicant for licensure, either party may  
44 file a written petition with the administrative hearing commission within thirty days of the  
45 effective date of the probationary, limited, or restricted license seeking review of the  
46 board's determination. If no written request for a hearing is received by the administrative  
47 hearing commission within the thirty-day period, the right to seek review of the board's  
48 decision shall be considered as waived.

49 (4) The board may cause a complaint to be filed with the administrative hearing  
50 commission as provided by chapter 621 against any holder of any certificate of registration  
51 or authority, permit, or license required by this chapter or any person who has failed to  
52 renew or has surrendered the person's certificate of registration or authority, permit, or  
53 license for any one or any combination of the following causes:

54 (a) Engaging in conduct detrimental to the health or safety of either the mother or  
55 infant, or both, as determined by the board;

56 (b) Has an unpaid judgment resulting from providing professional midwifery  
57 services;

58 (c) Procuring or attempting to procure a license under sections 324.1400 to  
59 324.1427 by making a false statement, submitting false information, refusing to provide  
60 complete information in response to a question in an application for licensure, or through  
61 any form of fraud or misrepresentation;

62 (d) Failing to meet the minimum qualifications for licensure or renewal established  
63 by sections 324.1400 to 324.1427;

64 (e) Paying money or other valuable consideration, other than as provided for by  
65 sections 324.1400 to 324.1427, to any member or employee of the board to procure a license  
66 under sections 324.1400 to 324.1427;

67 (f) Incompetency, misconduct, negligence, dishonesty, fraud, or misrepresentation  
68 in the performance of the functions or duties of any profession licensed or regulated by  
69 sections 324.1400 to 324.1427;

70 (g) Violating, assisting, or enabling any person to willfully disregard any of the  
71 provisions of sections 324.1400 to 324.1427 or the rules of the board for the administration  
72 and enforcement of the provisions of sections 324.1400 to 324.1427;

73 (h) Violating any term or condition of a license issued by the board under the  
74 authority of sections 324.1400 to 324.1427;

75 (i) Obtaining or attempting to obtain any fee, charge, tuition, or other  
76 compensation by fraud, deception, or misrepresentation;

77 (j) Assisting or enabling any person to practice or offer to practice any profession  
78 licensed or regulated by sections 324.1400 to 324.1427 who is not licensed and currently  
79 eligible to practice under sections 324.1400 to 324.1427; and

80 (k) Use of any advertisement or solicitation which is false, misleading, or deceptive  
81 to the general public or persons to whom the advertisement or solicitation is primarily  
82 directed.

83 (5) After the filing of such complaint before the administrative hearing commission,  
84 the proceedings shall be conducted in accordance with the provisions of chapter 621. Upon  
85 a finding by the administrative hearing commission that the grounds provided in  
86 subsection 4 of this section for disciplinary action are met, the board may, singly or in  
87 combination:

88 (a) Warn, censure, or place the person named in the complaint on probation on  
89 such terms and conditions as the board deems appropriate for a period not to exceed ten  
90 years;

91 (b) Suspend the person's license, certificate, or permit for a period not to exceed  
92 three years;

93 (c) Restrict or limit the person's license, certificate, or permit for an indefinite  
94 period of time;

95 (d) Revoke the person's license, certificate, or permit;

96 (e) Administer a public or private reprimand;

97 (f) Deny the person's application for a license;

98 (g) Permanently withhold issuance of a license;

99 (h) Require the person to submit to the care, counseling, or treatment of physicians  
100 designated by the board at the expense of the individual to be examined;

101 (i) Require the person to attend such continuing educational courses and pass such  
102 examinations as the board may direct.

103 (6) The division may promulgate rules necessary to implement the administration  
104 of sections 324.1400 to 324.1427. Any rule or portion of a rule, as that term is defined in  
105 section 536.010, that is created under the authority delegated in this section shall become  
106 effective only if it complies with and is subject to all of the provisions of chapter 536 and,  
107 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of  
108 the powers vested with the general assembly pursuant to chapter 536 to review, to delay  
109 the effective date, or to disapprove and annul a rule are subsequently held  
110 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
111 after August 28, 2011, shall be invalid and void.

324.1409. 1. The board shall have the following powers and duties and may adopt  
2 rules in accordance with the provisions of chapter 536 to establish:

3 (1) An application processes and administrative procedures for processing  
4 applications and issuing professional midwife licenses and for conducting disciplinary  
5 proceedings under sections 324.1400 to 324.1427;

6 (2) A process for ensuring individual professional midwife practice guidelines  
7 remain consistent with standards regarding the practice of midwifery established by the  
8 North American Registry of Midwives and the National Association of Certified  
9 Professional Midwives, or successor organizations whose essential documents include  
10 without limitation subject matter concerning scope of practice, standards of practice,  
11 informed consent including grievance mechanism, appropriate consultation, collaboration  
12 or referral, including the development of collaborative relationships with other healthcare  
13 practitioners who can provide care outside the scope of midwifery practice when  
14 necessary; including emergent and nonemergent care;

15 (3) Reasonable rules as deemed necessary or desirable by the board to carry out  
16 and enforce the provisions of sections 324.1400 to 324.1427.

17 2. The board shall:

18 (1) Investigate to verify such applicant's qualifications. If the results of the  
19 investigation are satisfactory to the board and the applicant is otherwise qualified, the  
20 board shall issue to the applicant a license authorizing the applicant to act as a professional  
21 midwife in Missouri;

22           (2) Set the amount of fees authorized by sections 324.1400 to 324.1427 and required  
23 by rules promulgated under chapter 536. The fees shall be set at a level to produce revenue  
24 that does not substantially exceed the cost and expense of administering sections 324.1400  
25 to 324.1427; and

26           (3) Perform such other functions and duties as may be necessary to carry out the  
27 provisions of sections 324.1400 to 324.1427.

28           3. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
29 created under the authority delegated in this section shall become effective only if it  
30 complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
31 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
32 vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
33 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
34 grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,  
35 shall be invalid and void.

          324.1412. 1. There is hereby created in the state treasury the "Board of  
2 Professional Midwives Fund", which shall consist of money collected under sections  
3 324.1400 to 324.1427. The state treasurer shall be custodian of the fund. In accordance  
4 with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund  
5 shall be a dedicated fund and, upon appropriation, money in the fund shall be used solely  
6 for the administration of sections 324.1400 to 324.1427.

7           2. Notwithstanding the provisions of section 33.080, to the contrary, any moneys  
8 remaining in the fund at the end of the biennium shall not revert to the credit of the  
9 general revenue fund until the amount in the fund at the end of the biennium exceeds three  
10 times the amount of the appropriation from the fund for the preceding fiscal year.

11           3. The state treasurer shall invest moneys in the fund in the same manner as other  
12 funds are invested. Any interest and moneys earned on such investments shall be credited  
13 to the fund.

          324.1415. 1. Every licensed professional midwife shall present a written disclosure  
2 statement to each client which shall be signed by the client and kept with the client's  
3 records, and shall include but not be limited to the following:

4           (1) A description of professional midwifery education and related training;

5           (2) Licensure as a professional midwife, including the effective dates of the  
6 licensure;

7           (3) The benefits and risks associated with childbirth in the setting selected by the  
8 client;

9           (4) A statement concerning the licensed professional midwife's arrangement with  
10 other healthcare professionals, including licensed physicians;

11           (5) A statement concerning the licensed professional midwife's malpractice or  
12 liability insurance coverage; and

13           (6) A written plan specific to the client for obtaining medical care when necessary,  
14 which shall include:

15           (a) The name and phone number of the hospital or other health care facility to  
16 which the midwife intends to transfer in an emergency; and

17           (b) The plan, protocol, or standing order for fulfilling maternal screening tests and  
18 lab work required by state law.

19           2. Licensed professional midwives shall carry medical malpractice insurance under  
20 the same conditions described for physicians in section 383.500.

21           3. Notwithstanding any other provision of the law, a licensed professional midwife  
22 providing a service of professional midwifery shall not be deemed to be engaged in the  
23 practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

24           4. Nothing in sections 324.1400 to 324.1427 shall be construed to apply to a person  
25 who provides information and support in preparation for labor and delivery and assists  
26 in the delivery of an infant if such person does not do the following:

27           (1) Advertise as a midwife or as a provider of midwife services;

28           (2) Accept compensation for midwife services; and

29           (3) Use any words, letters, signs, or figures to indicate that the person is a midwife.

30           5. Nothing in sections 324.1400 to 324.1427 shall be construed to prohibit the  
31 attendance at birth of the mother's choice of family, friends, uncompensated labor support  
32 attendants, or professional doulas.

33           6. The provisions of sections 324.1400 to 324.1427 shall be remedial and curative  
34 in nature.

35           7. No physician, nurse, emergency medical technician, hospital, or agents thereof,  
36 providing medical care or treatment for a woman or infant arising during childbirth as a  
37 consequence of the care received by a licensed professional midwife shall be liable for any  
38 civil damages for any act or omission resulting from the rendering of such services unless  
39 such act or omission was the result of negligence or willful misconduct on the part of the  
40 physician, nurse, emergency medical technician, hospital, or agents thereof.

41           8. No licensed professional midwife who has provided care or treatment for a  
42 woman or infant during childbirth prior to a transfer to medical care shall be liable for any  
43 civil damages for any act or omission resulting from the rendering of such services, or for  
44 consequences of care received from any physician, nurse, emergency medical technician,

45 hospital, or agents thereof, unless such act or omission was the result of negligence or  
46 willful misconduct on the part of the licensed professional midwife.

47 **9. A licensed health care provider or facility shall not be disciplined for assisting,**  
48 **enabling, aiding, procuring, advising or encouraging any person licensed to practice**  
49 **professional midwifery if such person is practicing within the confines of sections 324.1400**  
50 **to 324.1427.**

51 **10. Licensed professional midwives shall be reimbursed for professional midwifery**  
52 **services under the MO HealthNet program at the same compensation rate as physicians.**  
53 **An additional amount equal to half of the hospital fee for uncomplicated vaginal birth and**  
54 **routine newborn care shall be paid to the midwife as a home birth fee.**

55 **11. No person shall be denied coverage by any private or public insurance program**  
56 **solely on the basis that the person is planning or has had a home birth.**

57 **12. Nothing in this section shall prevent a licensed professional midwife holding**  
58 **other license or licenses from practicing his or her separate professions.**

59 **13. A licensed professional midwife may serve as administrator, and attend and be**  
60 **responsible for antepartum, intrapartum and postpartum clients in a birth center.**

**324.1418. The department of health and senior services shall maintain and publish**  
2 **on its website prospective statistics tracking all birth outcomes for all Missouri maternity**  
3 **care providers, which shall include:**

- 4 **(1) Mortality statistics for maternal:**  
5 **(a) Deaths from pregnancy to the first one-year postpartum; and**  
6 **(b) Fetal/neonatal:**  
7 **a. Deaths after twenty weeks gestation;**  
8 **b. Intrapartum deaths; and**  
9 **c. Deaths from birth to thirty days; and**  
10 **(2) Maternal incidence of:**  
11 **(a) Gestational diabetes requiring insulin;**  
12 **(b) Rh isoimmunization;**  
13 **(c) Induction of labor;**  
14 **(d) Preeclampsia requiring magnesium sulfate or induction of labor;**  
15 **(e) Preclamptic seizures;**  
16 **(f) Cesarean section, classical incision;**  
17 **(g) Cesarean section, low-transverse incision;**  
18 **(h) Episiotomy;**  
19 **(i) Perineal trauma requiring suturing and degree;**  
20 **(j) Manual extraction of the placenta;**

- 21 (k) Emergency hysterectomy;
- 22 (l) Postpartum hemorrhage requiring transfusion; and
- 23 (m) Postpartum infection requiring antibiotics; and
- 24 (3) Neonatal statistics for:
- 25 (a) Prematurity;
- 26 (b) Cord prolapse;
- 27 (c) Resuscitation;
- 28 (d) APGAR scores;
- 29 (e) Low-birth weight;
- 30 (f) Admittance to neonatal intensive care unit;
- 31 (g) Birth injuries;
- 32 (h) Anemia;
- 33 (i) Jaundice requiring phototherapy;
- 34 (j) Breastfeeding rate at birth and at six weeks; and
- 35 (k) Infection requiring antibiotics.

**324.1421. No licensed professional midwife shall be permitted to:**

- 2 (1) Prescribe drugs;
- 3 (2) Perform medical inductions or cesarean sections during the delivery of an
- 4 infant;
- 5 (3) Use forceps during the delivery of an infant;
- 6 (4) Perform vacuum delivery of an infant; or
- 7 (5) Perform an abortion, as defined in chapter 188.

**324.1424. A licensed professional midwife shall not administer prescription drugs,**  
 2 **with exceptions limited to:**

- 3 (1) Neonatal use of prophylactic ophthalmic medications, vitamin K and oxygen;
- 4 (2) Maternal use of Rho (D) immune globulin, oxygen, local anesthetic, and
- 5 oxytocin, misoprostol and methylerogonovine maleate as postpartum antihemorrhagics;
- 6 and
- 7 (3) Any prescription drug legally prescribed to the client by a licensed healthcare
- 8 provider with prescriptive privileges.

**324.1427. Any person who violates the provisions of sections 324.1400 to 324.1427,**  
 2 **or any rule promulgated or order made under sections 324.1400 to 324.1427 is guilty of a**  
 3 **class A misdemeanor.**

334.010. 1. It shall be unlawful for any person not now a registered physician within the  
 2 meaning of the law to practice medicine or surgery in any of its departments, to engage in the  
 3 practice of medicine across state lines or to profess to cure and attempt to treat the sick and

4 others afflicted with bodily or mental infirmities, [or engage in the practice of midwifery in this  
5 state,] except as herein provided.

6 2. For the purposes of this chapter, the "practice of medicine across state lines" shall  
7 mean:

8 (1) The rendering of a written or otherwise documented medical opinion concerning the  
9 diagnosis or treatment of a patient within this state by a physician located outside this state as  
10 a result of transmission of individual patient data by electronic or other means from within this  
11 state to such physician or physician's agent; or

12 (2) The rendering of treatment to a patient within this state by a physician located outside  
13 this state as a result of transmission of individual patient data by electronic or other means from  
14 within this state to such physician or physician's agent.

15 3. A physician located outside of this state shall not be required to obtain a license when:

16 (1) In consultation with a physician licensed to practice medicine in this state; and

17 (2) The physician licensed in this state retains ultimate authority and responsibility for  
18 the diagnosis or diagnoses and treatment in the care of the patient located within this state; or

19 (3) Evaluating a patient or rendering an oral, written or otherwise documented medical  
20 opinion, or when providing testimony or records for the purpose of any civil or criminal action  
21 before any judicial or administrative proceeding of this state or other forum in this state; or

22 (4) Participating in a utilization review pursuant to section 376.1350.

334.120. 1. There is hereby created and established a board to be known as "The State  
2 Board of Registration for the Healing Arts" for the purpose of registering, licensing and  
3 supervising all physicians and surgeons[, and midwives in this state]. The board shall consist  
4 of nine members, including one voting public member, to be appointed by the governor by and  
5 with the advice and consent of the senate, at least five of whom shall be graduates of professional  
6 schools accredited by the Liaison Committee on Medical Education or recognized by the  
7 Educational Commission for Foreign Medical Graduates, and at least two of whom shall be  
8 graduates of professional schools approved and accredited as reputable by the American  
9 Osteopathic Association, and all of whom, except the public member, shall be duly licensed and  
10 registered as physicians and surgeons pursuant to the laws of this state. Each member must be  
11 a citizen of the United States and must have been a resident of this state for a period of at least  
12 one year next preceding his or her appointment and shall have been actively engaged in the  
13 lawful and ethical practice of the profession of physician and surgeon for at least five years next  
14 preceding his or her appointment. Not more than four members shall be affiliated with the same  
15 political party. All members shall be appointed for a term of four years. Each member of the  
16 board shall receive as compensation an amount set by the board not to exceed fifty dollars for  
17 each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her

18 expenses necessarily incurred in the discharge of his or her official duties. The president of the  
19 Missouri State Medical Association, for all medical physician appointments, or the president of  
20 the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician  
21 appointments, in office at the time shall, at least ninety days prior to the expiration of the term  
22 of the respective board member, other than the public member, or as soon as feasible after the  
23 appropriate vacancy on the board otherwise occurs, submit to the director of the division of  
24 professional registration a list of five physicians and surgeons qualified and willing to fill the  
25 vacancy in question, with the request and recommendation that the governor appoint one of the  
26 five persons so listed, and with the list so submitted, the president of the Missouri State Medical  
27 Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate,  
28 shall include in his or her letter of transmittal a description of the method by which the names  
29 were chosen by that association.

30         2. The public member shall be at the time of his or her appointment a citizen of the  
31 United States; a resident of this state for a period of one year and a registered voter; a person who  
32 is not and never was a member of any profession licensed or regulated pursuant to this chapter  
33 or the spouse of such person; and a person who does not have and never has had a material,  
34 financial interest in either the providing of the professional services regulated by this chapter,  
35 or an activity or organization directly related to any profession licensed or regulated pursuant to  
36 this chapter. All members, including public members, shall be chosen from lists submitted by  
37 the director of the division of professional registration. The duties of the public member shall  
38 not include the determination of the technical requirements to be met for licensure or whether  
39 any person meets such technical requirements or of the technical competence or technical  
40 judgment of a licensee or a candidate for licensure.

2                 [334.260. On August 29, 1959, all persons licensed under the provisions  
3 of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as  
midwives under this chapter and subject to all the provisions of this chapter.]