

# HOUSE BILL NO. 974

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DAVIS (Sponsor), COOPER (155), BEARDEN, CHAPPELLE-NADAL, DETHROW, EMERY, FISHER, HARRIS (110), McGHEE, MOORE, NIEVES, OXFORD, PHILLIPS, PORTWOOD, SANDER AND VIEBROCK (Co-sponsors).

Pre-filed December 1, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3343L.011

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### AN ACT

To repeal sections 334.010, 334.190, and 334.260, RSMo, and to enact in lieu thereof two new sections relating to the practice of midwifery.

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

Section A. Sections 334.010, 334.190, and 334.260, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 210.029 and 334.010, to read as follows:

- 210.029. 1. It is the intention of the general assembly to recognize and affirm the rights of women to give birth in an out-of-hospital setting and to acknowledge that childbirth is a culmination of pregnancy and a natural process rather than an illness. The general assembly recognizes that for personal, religious, and economic reasons some citizens of this state will have homebirths and should be permitted to use the services of a midwife.**
- 2. As used in this section, the following terms mean:**
- (1) "Antepartum", before birth;**
  - (2) "Client", a person who retains the services of a midwife;**
  - (3) "Intrapartum", during birth;**
  - (4) "Midwife", any person who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation those skills relevant to the care of women and infants in the antepartum, intrapartum, and postpartum period;**

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.

15 (5) "Postpartum", the six-week period following birth.

16 3. Notwithstanding any other provision of law, a midwife providing a service of  
17 midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-  
18 midwifery, or any other medical or healing practice.

19 4. A person who regularly provides a service of midwifery for compensation shall  
20 present a written disclosure statement, updated annually, to each client including, but not  
21 be limited to, the following:

22 (1) A description of midwifery education and related training, including but not  
23 limited to:

24 (a) A current certified professional midwife credential;

25 (b) An affidavit verifying the attendance of the midwife at a minimum of forty  
26 births in homes or other out-of-hospital settings, including the provision of antepartum,  
27 intrapartum, and postpartum care;

28 (c) Completion of at least ten hours per year of continuing education in midwifery  
29 and/or related fields;

30 (d) Completion of at least three hours per year of peer review; and

31 (e) Current certification in adult or infant cardiopulmonary resuscitation (CPR)  
32 or neonatal resuscitation;

33 (2) The number of years of experience as a midwife;

34 (3) The number of women assisted in childbirth as a midwife;

35 (4) The benefits and risks associated with childbirth in the setting selected by the  
36 client;

37 (5) A statement concerning the midwife's malpractice or liability insurance  
38 coverage;

39 (6) A plan, specific to the client, for transfer to medical care, if needed.

40 5. A person shall not be subject to the provisions of paragraph (a) of subdivision  
41 (1) of subsection 4 of this section if such person:

42 (1) Is a resident of this state;

43 (2) Is at least twenty-one years of age;

44 (3) Has passed the North American Registry of Midwives Skills Assessment; and

45 (4) Provides an affidavit to the client verifying that such person has provided a  
46 service of midwifery for at least fifteen of the last twenty years prior to August 28, 2006.

47 6. A person who is a member of a religious sect established under the federal Social  
48 Security Act, 42 U.S.C. Section 301, et seq., shall not be subject to the provisions of  
49 subsection 4 of this section.

50 7. Except as otherwise provided by law, only the midwife who provided care to the  
51 client shall be liable for any negligent, willful, or want act or omission by such midwife.

52           **8. The provisions of this section shall be remedial and curative in nature.**

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, RSMo.

          [334.190. It is unlawful for any person licensed as a midwife only to  
2 engage in any other branch of medical practice or to advertise herself as doctor,  
3 doctress or physician or to use any letters before or after her name on a sign or  
4 otherwise, indicating that she is authorized to or does engage in any other branch  
5 of medical practice.]  
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          [334.260. On August 29, 1959, all persons licensed under the provisions  
2 of chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as  
3 midwives under this chapter and subject to all the provisions of this chapter.]

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