

HOUSE SUBSTITUTE AMENDMENT NO. ___ FOR
HOUSE _____ AMENDMENT NO. ___

Offered By

1 AMEND House Committee Substitute for House Bill No. 732, Page 1, Section A, Line 6, by
2 inserting after all of said section and line the following:

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

12 2. All physicians, licensed professional midwives, certified nurse midwives, public health
13 nurses and administrators of ambulatory surgical centers or hospitals shall report to the
14 department all diagnosed cases of phenylketonuria and other metabolic or genetic diseases as
15 designated by the department. The department shall prescribe and furnish all necessary reporting
16 forms.

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

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

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

1 consequences of treatment and nontreatment. The attending physician, licensed professional
2 midwife, certified nurse midwife, public health facility, ambulatory surgical center or hospital
3 shall obtain the written refusal and make such refusal part of the medical record of the infant.

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

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

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

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

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

35 (3) Applicants between the ages of six to eighteen meeting the qualifications under
36 subsection 7 of this section and whose family income is at three hundred percent of the federal

1 poverty level or above. For these applicants, the department shall establish a sliding scale of fees
2 and monthly premiums to be paid in order to receive assistance under subsection 7 of this section;
3 and

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

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

14 193.085. 1. A certificate of birth for each live birth which occurs in this state shall be
15 filed with the local registrar, or as otherwise directed by the state registrar, within five days after
16 such birth and shall be registered if such certificate has been completed and filed pursuant to the
17 provisions of this section.

18 2. When a birth occurs in an institution or en route to an institution, the person in charge
19 of the institution or such person's designated representative shall obtain the personal data, prepare
20 the certificate, certify that the child was born alive at the place and time and on the date stated
21 either by signature or an electronic process approved by the department, and file the certificate
22 pursuant to this section or as otherwise directed by the state registrar within the required five days.
23 The physician, licensed professional midwife, or other person in attendance shall provide the
24 medical information required by the certificate and certify to the facts of birth within five days
25 after the birth. If the physician, licensed professional midwife, or other person in attendance does
26 not certify to the facts of birth within the five-day period, the person in charge of the institution
27 shall complete the certificate.

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

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

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

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

33 ~~[(3)]~~ (4) The father, the mother, or, in the absence of the father and the inability of the
34 mother, the person in charge of the premises where the birth occurred.

35 4. Certificates of birth filed by a licensed professional midwife who signs as the certifier
36 of the certificate of birth shall not require signatures of a notary or any other witnesses. The

1 certified title section on the birth certificate application shall include a checkbox for "Certified
2 Professional Midwife" or "C.P.M.".

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

9 [5.] 6. If the mother was married at the time of either conception or birth, or between
10 conception and birth, the name of the husband shall be entered on the certificate as the father of
11 the child, unless:

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

13 (2) The mother executes an affidavit attesting that the husband is not the father and the
14 putative father is the father, and the putative father executes an affidavit attesting that he is the
15 father, and the husband executes an affidavit attesting that he is not the father. If such affidavits
16 are executed, the putative father shall be shown as the father on the birth certificate and the signed
17 acknowledgment of paternity shall be considered a legal finding of paternity. The affidavits shall
18 be as provided for in section 193.215.

19 [6.] 7. In any case in which paternity of a child is determined by a court of competent
20 jurisdiction, the name of the father and surname of the child shall be entered on the certificate of
21 birth pursuant to the finding and order of the court.

22 [7.] 8. Notwithstanding any other law to the contrary, if a child is born to unmarried
23 parents, the name of the father and other required information shall be entered on the certificate of
24 birth only if an acknowledgment of paternity pursuant to section 193.215 is completed, or if
25 paternity is determined by a court of competent jurisdiction or by an administrative order of the
26 family support division.

27 [8.] 9. If the father is not named on the certificate of birth, no other information about the
28 father shall be entered on the certificate.

29 [9.] 10. The birth certificate of a child born to a married woman as a result of artificial
30 insemination, with consent of her husband, shall be completed pursuant to the provisions of
31 subsection [5] 6 of this section.

32 [10.] 11. Either of the parents of the child, or other informant, shall attest to the accuracy
33 of the personal data entered on the certificate in time to permit the filing of the certificate within
34 the required five days.”; and

35
36 Further amend said bill, Page 9, Section 324.045, Line 17, by inserting after all of said section and

1 line the following:

2
3 “324.1400. As used in sections 324.1400 to 324.1427, the following terms shall mean:

4 (1) "Antepartum", before birth;

5 (2) "Board", the board of professional midwives;

6 (3) "Client", a person who retains the services of a professional midwife;

7 (4) "Professional midwife", any person who is certified by the North American Registry
8 of Midwives (NARM) as a certified professional midwife (CPM) and provides for compensation
9 those skills relevant to the care of women and infants in the antepartum, intrapartum, and
10 postpartum period;

11 (5) "Division", the division of professional registration within the department of
12 insurance, financial institutions and professional registration;

13 (6) "Intrapartum", during birth;

14 (7) "Postpartum", after birth;

15 (8) "Practice of professional midwifery", the science and art of examination, evaluation,
16 assessment, counseling and treatment of women and infants in the antepartum, intrapartum and
17 postpartum period by those methods commonly taught in any midwifery school, or midwifery
18 program in a university or college, which has been accredited by the Midwifery Education
19 Accreditation Council, its successor entity, or approved by the board, including identifying and
20 referring women who require obstetrical or other professional care. The practice of professional
21 midwifery shall not include the use of operative surgery nor the prescribing of drugs. The practice
22 of professional midwifery, as defined in this subdivision, is declared:

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

25 (b) Not to be the practice of nurse-midwifery or nursing within the meaning of chapter
26 335 and not subject to the provisions of chapter 335.

27 324.1403. 1. There is hereby created and established within the division of professional
28 registration the "Board of Professional Midwives" which consists of six members appointed by
29 the governor with the advice and consent of the senate. Each member shall be a United States
30 citizen and resident of this state for at least one year immediately preceding their appointment. Of
31 the six members, one member shall be a public member and five members shall be licensed
32 professional midwives who attend births in homes or other out-of-hospital settings; provided that,
33 the initial midwife members appointed need not be licensed at the time of appointment if they are
34 actively working toward licensure under sections 324.1400 to 324.1427.

35 2. The initial appointments to the board shall be two members for a term of one year, two
36 members for a term of two years, and two members for a term of three years. After the initial

1 terms, each member shall serve a three-year term. No member of the board shall serve more than
2 two consecutive three-year terms. All successor members shall be appointed for three-year terms.
3 All members shall serve until their successors have been appointed and qualified. Vacancies
4 occurring in the membership of the board for any reason shall be filled by appointment by the
5 governor for the unexpired term.

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

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

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

18 6. The division shall employ administrative and clerical personnel necessary to enforce
19 the provisions of sections 324.1400 to 324.1427.

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

24 8. In accordance with section 620.106, no new licensing activity or other statutory
25 requirements shall become effective until expenditures or personnel are specifically appropriated
26 for the purpose of conducting the business as required to administer the provisions of sections
27 324.1400 to 324.1427 and the initial rules filed have become effective.

28 324.1406. 1. Applications for licensure as a professional midwife shall be in writing and
29 submitted to the board on forms prescribed by the board and furnished to the applicant. Each
30 application shall contain a statement that it is made under oath or affirmation and that the
31 information contained therein is true and correct to the best knowledge and belief of the applicant,
32 subject to the penalties provided for the making of a false affidavit or declaration. Each
33 application shall be accompanied by the fees required by the board.

34 2. Each applicant for licensure shall:

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

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

3 (3) Comply with the written disclosure requirement under subsection 1 of section
4 324.1415.

5 3. (1) The division shall mail a renewal notice to the last known address of each licensee
6 prior to the renewal date. Failure to provide the board with the information required for renewal
7 or to pay the renewal fee after such notice shall result in the license expiring. The license shall be
8 reinstated if, within two years of the renewal date, the applicant submits the required
9 documentation and pays the applicable fees as approved by the board.

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

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

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

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

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

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

35 (4) The board may cause a complaint to be filed with the administrative hearing
36 commission as provided by chapter 621 against any holder of any certificate of registration or

1 authority, permit, or license required by this chapter or any person who has failed to renew or has
2 surrendered the person's certificate of registration or authority, permit, or license for any one or
3 any combination of the following causes:

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

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

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

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

13 (e) Paying money or other valuable consideration, other than as provided for by sections
14 324.1400 to 324.1427, to any member or employee of the board to procure a license under
15 sections 324.1400 to 324.1427;

16 (f) Incompetency, misconduct, negligence, dishonesty, fraud, or misrepresentation in the
17 performance of the functions or duties of any profession licensed or regulated by sections
18 324.1400 to 324.1427;

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

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

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

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

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

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

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

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

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

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

6 (e) Administer a public or private reprimand;

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

8 (g) Permanently withhold issuance of a license;

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

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

13 (6) The division may promulgate rules necessary to implement the administration of
14 sections 324.1400 to 324.1427. Any rule or portion of a rule, as that term is defined in section
15 536.010, that is created under the authority delegated in this section shall become effective only if
16 it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
17 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
18 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
19 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
20 any rule proposed or adopted after August 28, 2011, shall be invalid and void.

21 324.1409. 1. The board shall have the following powers and duties and may adopt rules
22 in accordance with the provisions of chapter 536 to establish:

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

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

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

36 2. The board shall:

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

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

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

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

16 324.1412. 1. There is hereby created in the state treasury the "Board of Professional
17 Midwives Fund", which shall consist of money collected under sections 324.1400 to 324.1427.
18 The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180,
19 the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon
20 appropriation, money in the fund shall be used solely for the administration of sections 324.1400
21 to 324.1427.

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

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

28 324.1415. 1. Every licensed professional midwife shall present a written disclosure
29 statement to each client which shall be signed by the client and kept with the client's records, and
30 shall include but not be limited to the following:

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

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

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

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

36 (5) A statement concerning the licensed professional midwife's malpractice or liability

1 insurance coverage; and

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

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

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

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

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

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

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

17 (2) Accept compensation for midwife services; and

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

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

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

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

30 8. No licensed professional midwife who has provided care or treatment for a woman or
31 infant during childbirth prior to a transfer to medical care shall be liable for any civil damages for
32 any act or omission resulting from the rendering of such services, or for consequences of care
33 received from any physician, nurse, emergency medical technician, hospital, or agents thereof,
34 unless such act or omission was the result of negligence or willful misconduct on the part of the
35 licensed professional midwife.

36 9. A licensed health care provider or facility shall not be disciplined for assisting,

1 enabling, aiding, procuring, advising or encouraging any person licensed to practice professional
2 midwifery if such person is practicing within the confines of sections 324.1400 to 324.1427.

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

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

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

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

13 324.1418. The department of health and senior services shall maintain and publish on its
14 website prospective statistics tracking all birth outcomes for all Missouri maternity care providers,
15 which shall include:

16 (1) Mortality statistics for maternal:

17 (a) Deaths from pregnancy to the first one-year postpartum; and

18 (b) Fetal/neonatal:

19 a. Deaths after twenty weeks gestation;

20 b. Intrapartum deaths; and

21 c. Deaths from birth to thirty days; and

22 (2) Maternal incidence of:

23 (a) Gestational diabetes requiring insulin;

24 (b) Rh isoimmunization;

25 (c) Induction of labor;

26 (d) Preeclampsia requiring magnesium sulfate or induction of labor;

27 (e) Preclamptic seizures;

28 (f) Cesarean section, classical incision;

29 (g) Cesarean section, low-transverse incision;

30 (h) Episiotomy;

31 (i) Perineal trauma requiring suturing and degree;

32 (j) Manual extraction of the placenta;

33 (k) Emergency hysterectomy;

34 (l) Postpartum hemorrhage requiring transfusion; and

35 (m) Postpartum infection requiring antibiotics; and

36 (3) Neonatal statistics for:

- 1 (a) Prematurity;
- 2 (b) Cord prolapse;
- 3 (c) Resuscitation;
- 4 (d) APGAR scores;
- 5 (e) Low-birth weight;
- 6 (f) Admittance to neonatal intensive care unit;
- 7 (g) Birth injuries;
- 8 (h) Anemia;
- 9 (i) Jaundice requiring phototherapy;
- 10 (j) Breastfeeding rate at birth and at six weeks; and
- 11 (k) Infection requiring antibiotics.

12 324.1421. No licensed professional midwife shall be permitted to:

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

18 324.1424. A licensed professional midwife shall not administer prescription drugs, with
19 exceptions limited to:

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

25 324.1427. Any person who violates the provisions of sections 324.1400 to 324.1427, or
26 any rule promulgated or order made under sections 324.1400 to 324.1427 is guilty of a class A
27 misdemeanor.”; and

28
29 Further amend said bill, Page 10, Section 334.001, Line 36, by inserting after all of said section
30 and line the following:

31
32 “334.010. 1. It shall be unlawful for any person not now a registered physician within the
33 meaning of the law to practice medicine or surgery in any of its departments, to engage in the
34 practice of medicine across state lines or to profess to cure and attempt to treat the sick and others
35 afflicted with bodily or mental infirmities, [or engage in the practice of midwifery in this state,]
36 except as herein provided.

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

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

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

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

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

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

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

17 (4) Participating in a utilization review pursuant to section 376.1350.”; and

18
19 Further amend said bill, Page 27, Section 334.108, Line 22, by inserting after all of said section
20 and line the following:

21
22 “334.120. 1. There is hereby created and established a board to be known as "The State
23 Board of Registration for the Healing Arts" for the purpose of registering, licensing and
24 supervising all physicians and surgeons[, and midwives in this state]. The board shall consist of
25 nine members, including one voting public member, to be appointed by the governor by and with
26 the advice and consent of the senate, at least five of whom shall be graduates of professional
27 schools accredited by the Liaison Committee on Medical Education or recognized by the
28 Educational Commission for Foreign Medical Graduates, and at least two of whom shall be
29 graduates of professional schools approved and accredited as reputable by the American
30 Osteopathic Association, and all of whom, except the public member, shall be duly licensed and
31 registered as physicians and surgeons pursuant to the laws of this state. Each member must be a
32 citizen of the United States and must have been a resident of this state for a period of at least one
33 year next preceding his or her appointment and shall have been actively engaged in the lawful and
34 ethical practice of the profession of physician and surgeon for at least five years next preceding
35 his or her appointment. Not more than four members shall be affiliated with the same political
36 party. All members shall be appointed for a term of four years. Each member of the board shall

1 receive as compensation an amount set by the board not to exceed fifty dollars for each day
2 devoted to the affairs of the board, and shall be entitled to reimbursement of his or her expenses
3 necessarily incurred in the discharge of his or her official duties. The president of the Missouri
4 State Medical Association, for all medical physician appointments, or the president of the
5 Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician
6 appointments, in office at the time shall, at least ninety days prior to the expiration of the term of
7 the respective board member, other than the public member, or as soon as feasible after the
8 appropriate vacancy on the board otherwise occurs, submit to the director of the division of
9 professional registration a list of five physicians and surgeons qualified and willing to fill the
10 vacancy in question, with the request and recommendation that the governor appoint one of the
11 five persons so listed, and with the list so submitted, the president of the Missouri State Medical
12 Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate,
13 shall include in his or her letter of transmittal a description of the method by which the names
14 were chosen by that association.

15 2. The public member shall be at the time of his or her appointment a citizen of the United
16 States; a resident of this state for a period of one year and a registered voter; a person who is not
17 and never was a member of any profession licensed or regulated pursuant to this chapter or the
18 spouse of such person; and a person who does not have and never has had a material, financial
19 interest in either the providing of the professional services regulated by this chapter, or an activity
20 or organization directly related to any profession licensed or regulated pursuant to this chapter.
21 All members, including public members, shall be chosen from lists submitted by the director of
22 the division of professional registration. The duties of the public member shall not include the
23 determination of the technical requirements to be met for licensure or whether any person meets
24 such technical requirements or of the technical competence or technical judgment of a licensee or
25 a candidate for licensure.”; and
26

27 Further amend said bill, Page 37, Section 621.110, Line 22, by inserting after all of said section
28 and line the following:

29
30 “[334.260. On August 29, 1959, all persons licensed under the provisions of
31 chapter 334, RSMo 1949, as midwives shall be deemed to be licensed as midwives
32 under this chapter and subject to all the provisions of this chapter.]”; and
33

34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.