

HB 1363 -- MIDWIFERY

SPONSOR: Bahr

This bill changes the laws regarding midwifery. In its main provisions, the bill:

(1) Adds a professional midwife to the list of professionals who must collect the appropriate specimens to be submitted to the Department of Health and Senior Services in order to test newborns for metabolic and genetic diseases;

(2) Specifies that a birth certificate filed by a professional midwife as the certifier of the birth certificate cannot require the signature of a notary or any other witness;

(3) Establishes the Board of Professional Midwives in the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration. The six-member board is to be appointed by the Governor with the advice and consent of the Senate. The powers, duties, terms, and membership of the board are specified in the bill;

(4) Requires an applicant to provide evidence of current certification as a certified professional midwife by the North American Registry of Midwives and current certification in basic life support for healthcare providers and neonatal resuscitation, pay the required fee, and comply with the written disclosure requirement;

(5) Requires a licensee to attend at least 10 hours of continuing education and at least three hours of peer review every year in order to be eligible for license renewal which will be for a three-year period;

(6) Authorizes the board to refuse to issue or renew a certificate of registration or authority, permit, or license. The board must notify the applicant in writing of the reasons for the refusal and advise him or her of his or her right to file an appeal with the Administrative Hearing Commission. The board may cause a complaint to be filed with the commission against the holder or any person who has failed to renew or has surrendered the person's certificate, authority, permit, or license for specified causes and authorized the board to take specified actions if the commission finds the grounds for disciplinary action are met;

(7) Authorizes the board to establish fees at a level to produce revenue that does not substantially exceed the costs of the administration of the provisions of the bill. Moneys collected

will be deposited into the newly created Board of Professional Midwives Fund;

(8) Requires a licensed midwife to present each client with a written disclosure statement containing specified information that must be signed by the client and kept by the midwife in the client's records;

(9) Requires, as a condition of licensure, a professional midwife to carry medical malpractice insurance under the same conditions as physicians;

(10) Exempts specified medical providers from civil liability when treating a woman or infant during childbirth as a consequence of care received from a licensed midwife unless the act or omission was the result of negligence or willful misconduct on the part of the physician, nurse, medical technician, hospital, or its agent;

(11) Requires a licensed professional midwife to be reimbursed under the MO HealthNet Program at the same compensation rate as a physician;

(12) Requires the Department of Health and Senior Services to maintain and publish on its website specified statistics regarding births for all Missouri maternity care providers;

(13) Prohibits a licensed professional midwife from prescribing drugs; performing vacuum deliveries, medical inductions, cesarean sections, or abortions; and using forceps during a delivery;

(14) Removes midwives from the supervision of the State Board of Registration for the Healing Arts; and

(15) Removes the provision that specifies that anyone who engages in the practice of midwifery other than a licensed physician will be guilty of the unlawful practice of medicine and repeals Section 334.260, RSMo, regarding the licensure of midwives.

Any person violating the provisions of the bill will be guilty of a class A misdemeanor.