

HOUSE BILL NO. 175

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ALLARD

Introduced: 4/24/23

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to midwives and the practice of midwifery; relating to apprentice**
2 **midwives; renaming the Board of Certified Direct-Entry Midwives as the Board of**
3 **Licensed Midwives; relating to the Board of Licensed Midwives; extending the**
4 **termination date of the Board of Licensed Midwives; relating to insurance; and**
5 **providing for an effective date."**

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 LEGISLATIVE INTENT. It is the intent of the legislature to preserve the right of
10 women to deliver children at home with licensed midwives, to remove obstacles for safe
11 deliveries outside of hospitals, to assure quality care of pregnant women and the children they
12 deliver, and to guarantee insurance coverage for home births.

13 * **Sec. 2.** AS 08.01.010(17) is amended to read:

1 (17) Board of Licensed [CERTIFIED DIRECT-ENTRY] Midwives
2 (AS 08.65.010);

3 * **Sec. 3.** AS 08.02.110(a) is amended to read:

4 (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-
5 language pathologist licensed under AS 08.11, a behavior analyst licensed under
6 AS 08.15, a person licensed in the state as a chiropractor under AS 08.20, a
7 professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian
8 or nutritionist licensed under AS 08.38, a massage therapist licensed under AS 08.61,
9 a marital and family therapist licensed under AS 08.63, a medical practitioner or
10 osteopath under AS 08.64, a [DIRECT-ENTRY] midwife licensed [CERTIFIED]
11 under AS 08.65, a registered or advanced practice registered nurse under AS 08.68, an
12 optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical
13 therapist or occupational therapist licensed under AS 08.84, a psychologist under
14 AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as
15 professional identification appropriate letters or a title after that person's name that
16 represents the person's specific field of practice. The letters or title shall appear on all
17 signs, stationery, or other advertising in which the person offers or displays personal
18 professional services to the public. In addition, a person engaged in the practice of
19 medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any
20 manner in the healing arts who diagnoses, treats, tests, or counsels other persons in
21 relation to human health or disease and uses the letters "M.D." or the title "doctor" or
22 "physician" or another title that tends to show that the person is willing or qualified to
23 diagnose, treat, test, or counsel another person, shall clarify the letters or title by
24 adding the appropriate specialist designation, if any, such as "dermatologist,"
25 "radiologist," "audiologist," "naturopath," or the like.

26 * **Sec. 4.** AS 08.02.130(j)(1) is amended to read:

27 (1) "health care provider" means

28 (A) an audiologist or speech-language pathologist licensed
29 under AS 08.11; a behavior analyst licensed under AS 08.15; a chiropractor
30 licensed under AS 08.20; a professional counselor licensed under AS 08.29; a
31 dental hygienist licensed under AS 08.32; a dentist licensed under AS 08.36; a

1 dietitian or nutritionist licensed under AS 08.38; a naturopath licensed under
 2 AS 08.45; a marital and family therapist licensed under AS 08.63; a physician
 3 licensed under AS 08.64; a podiatrist, osteopath, or physician assistant licensed
 4 under AS 08.64; a **licensed** [DIRECT-ENTRY] midwife certified under
 5 AS 08.65; a nurse licensed under AS 08.68; a dispensing optician licensed
 6 under AS 08.71; an optometrist licensed under AS 08.72; a pharmacist licensed
 7 under AS 08.80; a physical therapist or occupational therapist licensed under
 8 AS 08.84; a psychologist or psychological associate licensed under AS 08.86;
 9 or a social worker licensed under AS 08.95; or

10 (B) a physician licensed in another state;

11 * **Sec. 5.** AS 08.03.010(c)(8) is amended to read:

12 (8) Board of **Licensed** [CERTIFIED DIRECT-ENTRY] Midwives
 13 (AS 08.65.010) - June 30, **2027** [2023];

14 * **Sec. 6.** AS 08.64.370 is amended to read:

15 **Sec. 08.64.370. Exceptions to application of chapter.** This chapter does not
 16 apply to

17 (1) officers in the regular medical service of the armed services of the
 18 United States or the United States Public Health Service while in the discharge of their
 19 official duties;

20 (2) a physician or osteopath licensed in another state who is asked by a
 21 physician or osteopath licensed in this state to help in the diagnosis or treatment of a
 22 case, unless the physician is practicing under AS 08.02.130(b);

23 (3) the practice of the religious tenets of a church;

24 (4) a physician in the regular medical service of the United States
 25 Public Health Service or the armed services of the United States volunteering services
 26 without pay or other remuneration to a hospital, clinic, medical office, or other
 27 medical facility in the state;

28 (5) a person who is **a licensed** [CERTIFIED AS A DIRECT-ENTRY]
 29 midwife [BY THE DEPARTMENT] under AS 08.65 while engaged in the practice of
 30 midwifery whether or not the person accepts compensation for those services;

31 (6) a physician licensed in another state who, under a written

1 agreement with an athletic team located in the state in which the physician is licensed,
 2 provides medical services to members of the athletic team while the athletic team is
 3 traveling to or from or participating in a sporting event in this state.

4 * **Sec. 7.** AS 08.65.010(a) is amended to read:

5 (a) There is established the Board of **Licensed** [CERTIFIED DIRECT-
 6 ENTRY] Midwives.

7 * **Sec. 8.** AS 08.65.010(b) is amended to read:

8 (b) The board consists of five members appointed by the governor subject to
 9 confirmation by the legislature in joint session. Members serve for staggered terms of
 10 four years and, except as provided in AS 39.05.080(4), each member serves until a
 11 successor is appointed and qualified. The board consists of **four** [TWO] members who
 12 are **licensed** [CERTIFIED] in this state as [DIRECT-ENTRY] midwives [, ONE
 13 PHYSICIAN LICENSED BY THE STATE MEDICAL BOARD IN THIS STATE
 14 WHO HAS AN OBSTETRICAL PRACTICE OR HAS SPECIALIZED TRAINING
 15 IN OBSTETRICS, ONE CERTIFIED NURSE MIDWIFE LICENSED BY THE
 16 BOARD OF NURSING IN THIS STATE,] and one public member.

17 * **Sec. 9.** AS 08.65.030 is amended to read:

18 **Sec. 08.65.030. Duties and powers of board.** (a) The board shall

19 (1) **review applications for licenses to engage in the practice of**
 20 **midwifery to determine whether the applicants satisfy the requirements of**
 21 **AS 08.65.050** [EXAMINE APPLICANTS AND ISSUE CERTIFICATES TO THOSE
 22 APPLICANTS IT FINDS QUALIFIED];

23 (2) adopt regulations **regarding licensing, license renewal, the**
 24 **national midwifery examination, and the national scope of the practice of**
 25 **midwifery** [ESTABLISHING CERTIFICATION AND CERTIFICATE RENEWAL
 26 REQUIREMENTS];

27 (3) issue permits to apprentice [DIRECT-ENTRY] midwives;

28 (4) hold hearings and order the disciplinary sanction of a person who
 29 violates this chapter or a regulation of the board;

30 (5) supply forms for applications, licenses, permits,
 31 [CERTIFICATES,] and other papers and records;

1 (6) enforce the provisions of this chapter and adopt regulations
2 necessary to make the provisions of this chapter effective;

3 (7) [APPROVE CURRICULA AND ADOPT STANDARDS FOR
4 BASIC EDUCATION, TRAINING, AND APPRENTICE PROGRAMS;

5 (8) PROVIDE FOR SURVEYS OF THE BASIC DIRECT-ENTRY
6 MIDWIFE EDUCATION PROGRAMS IN THE STATE AT THE TIMES IT
7 CONSIDERS NECESSARY;

8 (9) APPROVE EDUCATION, TRAINING, AND APPRENTICE
9 PROGRAMS THAT MEET THE REQUIREMENTS OF THIS CHAPTER AND OF
10 THE BOARD, AND DENY, REVOKE, OR SUSPEND APPROVAL OF THOSE
11 PROGRAMS FOR FAILURE TO MEET THE REQUIREMENTS;

12 (10)] adopt regulations establishing practice requirements for **licensed**
13 [CERTIFIED DIRECT-ENTRY] midwives under **AS 08.65.140(a)** [AS 08.65.140].

14 (b) The board may by regulation require that a **licensed** [CERTIFIED
15 DIRECT-ENTRY] midwife undergo a uniform or random period of peer review to
16 ensure the quality of care provided by the **licensed** [CERTIFIED DIRECT-ENTRY]
17 midwife.

18 * **Sec. 10.** AS 08.65.030 is amended by adding new subsections to read:

19 (c) The board may not adopt a regulation that

20 (1) requires a person to have a nursing degree or diploma to be
21 licensed under this chapter;

22 (2) requires a licensed midwife to practice midwifery under the
23 supervision of, or in collaboration with, another health care provider or a health care
24 facility;

25 (3) requires a licensed midwife to enter into an agreement, whether
26 written, oral, or in another form, with another health care provider or a health care
27 facility;

28 (4) limits the location where a licensed midwife may practice
29 midwifery; or

30 (5) restricts or limits educational pathways to becoming a licensed
31 midwife.

1 (d) In this section,

2 (1) "health care facility" has the meaning given in AS 18.35.399;

3 (2) "health care provider" has the meaning given in AS 09.65.300.

4 * **Sec. 11.** AS 08.65.050 is amended to read:

5 **Sec. 08.65.050. Qualifications for license.** The board shall issue a **license**
6 [CERTIFICATE] to practice [DIRECT-ENTRY] midwifery to a person who

7 (1) **holds a valid certified professional midwife certificate, if the**
8 **certificate is issued by a nationally recognized midwife organization recognized**
9 **by the board and the requirements for the certificate are consistent with this**
10 **chapter;**

11 (2) applies on a form provided by the board;

12 (3) [(2)] pays the fees required under AS 08.65.100;

13 (4) [(3)] furnishes evidence satisfactory to the board that the person
14 has not engaged in conduct that is a ground for imposing disciplinary sanctions under
15 AS 08.65.110;

16 (5) [(4)] furnishes evidence [SATISFACTORY] to the board that the
17 person has completed a course of **midwifery** study and supervised clinical experience;
18 the study and experience must be of at least **two years'** [ONE YEAR'S] duration; **and**

19 (6) [(5)] successfully completes the **national midwifery** examination
20 required by the board.

21 * **Sec. 12.** AS 08.65.080 is amended to read:

22 **Sec. 08.65.080. Renewal.** A **license** [CERTIFICATE] issued under
23 AS 08.65.050 [OR 08.65.070] expires on a date determined by the board and may be
24 renewed every two years upon payment of the required fee and the submission of
25 evidence satisfactory to the board that the **licensed** [CERTIFIED DIRECT-ENTRY]
26 midwife **holds a valid certified professional midwife certificate issued by a**
27 **nationally recognized midwife organization recognized by the board if the**
28 **requirements for the certificate are consistent with this chapter and** has met the
29 continuing education requirements of the board, has demonstrated continued practical
30 professional competence under regulations adopted by the board, and has not
31 committed an act that is a ground for discipline under AS 08.65.110.

1 * **Sec. 13.** AS 08.65.090 is amended to read:

2 **Sec. 08.65.090. Apprentice direct-entry midwives.** (a) The board shall issue
3 a permit to practice as an apprentice [DIRECT-ENTRY] midwife to a person who
4 satisfies the requirements of AS 08.65.050(1) - (3) and who has been accepted into a
5 program of education, training, and apprenticeship approved by the board under
6 AS 08.65.030 **and that prepares the apprentice for the national midwifery**
7 **examination**. A permit application under this section must include information the
8 board may require. The permit is valid for a term of two years and may be renewed in
9 accordance with regulations adopted by the board.

10 (b) An apprentice direct-entry midwife may perform all the activities of a
11 **licensed** [CERTIFIED DIRECT-ENTRY] midwife if supervised in a manner
12 prescribed by the board **in regulation** [BY

13 (1) A CERTIFIED DIRECT-ENTRY MIDWIFE WHO HAS BEEN
14 LICENSED AND PRACTICING IN THIS STATE FOR AT LEAST TWO YEARS
15 AND HAS ACTED AS A PRIMARY OR ASSISTANT MIDWIFE AT 50 OR
16 MORE BIRTHS SINCE THE DATE THE CERTIFIED DIRECT-ENTRY MIDWIFE
17 WAS FIRST LICENSED;

18 (2) A CERTIFIED DIRECT-ENTRY MIDWIFE WHO HAS BEEN
19 LICENSED FOR AT LEAST TWO YEARS IN A STATE WITH LICENSING
20 REQUIREMENTS AT LEAST EQUIVALENT IN SCOPE, QUALITY, AND
21 DIFFICULTY TO THOSE OF THIS STATE AT THE TIME OF LICENSING, HAS
22 PRACTICED MIDWIFERY FOR THE LAST TWO YEARS, AND HAS ACTED
23 AS A PRIMARY OR ASSISTANT MIDWIFE AT 50 OR MORE BIRTHS SINCE
24 THE DATE THE CERTIFIED DIRECT-ENTRY MIDWIFE WAS FIRST
25 LICENSED;

26 (3) A PHYSICIAN LICENSED IN THIS STATE WITH AN
27 OBSTETRICAL PRACTICE AT THE TIME OF UNDERTAKING THE
28 APPRENTICESHIP; OR

29 (4) A CERTIFIED NURSE MIDWIFE LICENSED BY THE BOARD
30 OF NURSING IN THIS STATE WITH AN OBSTETRICAL PRACTICE AT THE
31 TIME OF UNDERTAKING THE APPRENTICESHIP].

1 * **Sec. 14.** AS 08.65.110 is amended to read:

2 **Sec. 08.65.110. Grounds for discipline, suspension, or revocation of**
 3 **certification.** The board may impose a disciplinary sanction on a person holding a
 4 **license** [CERTIFICATE] or permit under this chapter if the board finds that the person

5 (1) secured a **license** [CERTIFICATE] or permit through deceit, fraud,
 6 or intentional misrepresentation;

7 (2) engaged in deceit, fraud, or intentional misrepresentation in the
 8 course of providing professional services or engaging in professional activities;

9 (3) advertised professional services in a false or misleading manner;

10 (4) has been convicted of a felony or other crime that affects the
 11 licensee's ability to continue to practice competently and safely;

12 (5) intentionally or negligently engaged in or permitted the
 13 performance of client care by persons under the **licensed** [CERTIFIED DIRECT-
 14 ENTRY] midwife's supervision that does not conform to minimum professional
 15 standards regardless of whether actual injury to the client occurred;

16 (6) failed to comply with this chapter, with a regulation adopted under
 17 this chapter, or with an order of the board;

18 (7) continued to practice after becoming unfit due to

19 (A) professional incompetence;

20 (B) failure to keep informed of current professional practices;

21 (C) addiction or severe dependency on alcohol or other drugs

22 that impairs the ability to practice safely; **or**

23 (D) physical or mental disability; **or**

24 (8) engaged in lewd or immoral conduct in connection with the
 25 delivery of professional service to clients.

26 * **Sec. 15.** AS 08.65.120(a) is amended to read:

27 (a) When **the board** [IT] finds that a person holding a **license**
 28 [CERTIFICATE] or permit **under this chapter** is guilty of an offense under
 29 AS 08.65.110, the board, in addition to the powers provided in AS 08.01.075, may
 30 impose the following sanctions singly or in combination:

31 (1) permanently revoke **the license** [A CERTIFICATE] or permit [TO

1 PRACTICE];

2 (2) suspend the license [A CERTIFICATE] or permit for a
3 determinate period of time;

4 (3) censure the [A] person [HOLDING A CERTIFICATE OR
5 PERMIT];

6 (4) issue a letter of reprimand;

7 (5) place the [A] person [HOLDING A CERTIFICATE OR PERMIT]
8 on probationary status and require the person to

9 (A) report regularly to the board on [UPON] matters involving
10 the basis of probation;

11 (B) limit practice to those areas prescribed;

12 (C) continue professional education until a satisfactory degree
13 of skill has been attained in those areas determined by the board to need
14 improvement;

15 (6) impose limitations or conditions on the practice of the [A] person
16 holding the license [A CERTIFICATE] or permit.

17 * **Sec. 16.** AS 08.65.120(d) is amended to read:

18 (d) The board may reinstate a license [CERTIFICATE] or permit that has
19 been suspended or revoked if the board finds after a hearing that the applicant for the
20 reinstatement is able to practice with reasonable skill and safety.

21 * **Sec. 17.** AS 08.65.140 is amended to read:

22 **Sec. 08.65.140. Required practices.** The board shall adopt regulations
23 regarding the practice of [DIRECT-ENTRY] midwifery. At a minimum, the
24 regulations must require that a licensed [CERTIFIED DIRECT-ENTRY] midwife

25 (1) [RECOMMEND, BEFORE CARE OR DELIVERY OF A
26 CLIENT, THAT THE CLIENT UNDERGO A PHYSICAL EXAMINATION
27 PERFORMED BY A PHYSICIAN, PHYSICIAN ASSISTANT, OR ADVANCED
28 PRACTICE REGISTERED NURSE WHO IS LICENSED IN THIS STATE;

29 (2)] obtain informed consent from a client before onset of labor;

30 (2) [(3)] comply with AS 18.15.150 regarding taking of blood samples,
31 AS 18.15.200 regarding screening of phenylketonuria (PKU), AS 18.50.160 regarding

1 birth registration, AS 18.50.230 regarding registration of deaths, AS 18.50.240
 2 regarding fetal death registration, and regulations adopted by the Department of
 3 Health concerning prophylactic treatment of the eyes of newborn infants [;

4 (4) NOT KNOWINGLY DELIVER A WOMAN WITH CERTAIN
 5 TYPES OF HEALTH CONDITIONS, PRIOR HISTORY, OR COMPLICATIONS
 6 AS SPECIFIED BY THE BOARD].

7 * **Sec. 18.** AS 08.65.140 is amended by adding new subsections to read:

8 (b) A licensed midwife may practice midwifery without

9 (1) being under the supervision of, or collaborating with, another
 10 health care provider or a health care facility; or

11 (2) entering into a written or other form of agreement with another
 12 health care provider or a health care facility.

13 (c) A licensed midwife may provide services using audio, video, or other
 14 electronic media for the purpose of diagnosis, consultation, or treatment.

15 (d) The board shall adopt regulations providing that a licensed midwife may
 16 practice to the full scope of practice authorized by the midwife's national midwifery
 17 certificate.

18 * **Sec. 19.** AS 08.65.150 is amended to read:

19 **Sec. 08.65.150. Prohibited practices.** Except as provided in AS 08.65.170, a
 20 person who is not licensed [CERTIFIED] under this chapter as a [DIRECT-ENTRY]
 21 midwife may not practice midwifery for compensation.

22 * **Sec. 20.** AS 08.65.160 is amended to read:

23 **Sec. 08.65.160. License [CERTIFICATION] required if designation used.**

24 A person who is not licensed [CERTIFIED] under this chapter, [OR] whose license
 25 [CERTIFICATION] is suspended or revoked, or whose license [CERTIFICATION]
 26 has lapsed [,] who knowingly uses in connection with the person's name the [WORDS
 27 OR] letters "L.M.," the words "Licensed Midwife," ["C.D.M.," "CERTIFIED
 28 DIRECT-ENTRY MIDWIFE,"] or other letters, words, or insignia indicating or
 29 implying that the person is licensed [CERTIFIED] as a [DIRECT-ENTRY] midwife
 30 by this state or who in any way, orally or in writing, directly or by implication,
 31 knowingly holds out as being licensed [CERTIFIED BY THE STATE] as a

1 [DIRECT-ENTRY] midwife in this state is guilty of a class B misdemeanor. **In this**
 2 **section, "knowingly" has the meaning given in AS 11.81.900.**

3 * **Sec. 21.** AS 08.65.170 is amended to read:

4 **Sec. 08.65.170. Exclusions.** This chapter does not apply to a person **who is**
 5 **licensed as**

6 (1) [WHO IS LICENSED AS] a physician in this state;

7 (2) **an advanced practice registered** [WHO IS LICENSED AS A
 8 CERTIFIED] nurse [MIDWIFE] by the Board of Nursing in this state.

9 [(3) REPEALED]

10 [(4) REPEALED]

11 * **Sec. 22.** AS 08.65.180 is amended to read:

12 **Sec. 08.65.180. Responsibility for care.** If a **licensed** [CERTIFIED DIRECT-
 13 ENTRY] midwife seeks to consult with or refer a patient to a licensed physician, the
 14 responsibility of the physician for the patient does not begin until the patient is
 15 physically within the physician's care.

16 * **Sec. 23.** AS 08.65.190(1) is amended to read:

17 (1) "board" means the Board of **Licensed** [CERTIFIED DIRECT-
 18 ENTRY] Midwives;

19 * **Sec. 24.** AS 08.65.190(3) is amended to read:

20 (3) "practice of midwifery" means providing necessary supervision,
 21 health care, preventative measures, and education to women during **preconception,**
 22 pregnancy, labor, and the **first** postpartum **year** [PERIOD]; conducting deliveries on
 23 the midwife's own responsibility; providing immediate postpartum care of the
 24 newborn infant, well-baby care for the infant through the age of **six** [FOUR] weeks,
 25 and preventative measures for the infant; identifying physical, social, and emotional
 26 needs of the newborn and the woman; arranging for consultation, referral, and
 27 continued involvement of the midwife on a collaborative basis when the care required
 28 extends beyond the scope of practice of the midwife; providing direct supervision of
 29 student and apprentice midwives; and executing emergency measures in the absence
 30 of medical assistance, as specified in regulations adopted by the board.

31 * **Sec. 25.** AS 08.65.190 is amended by adding new paragraphs to read:

1 (4) "licensed midwife" means a midwife who is licensed under this
2 chapter to practice midwifery;

3 (5) "midwife" means a person who practices midwifery.

4 * **Sec. 26.** AS 09.65.300(c)(1) is amended to read:

5 (1) "health care provider" means a physician, physician assistant,
6 dentist, dental hygienist, osteopath, optometrist, chiropractor, registered nurse,
7 practical nurse, advanced practice registered nurse, naturopath, physical therapist,
8 occupational therapist, marital and family therapist, psychologist, psychological
9 associate, behavior analyst, assistant behavior analyst, licensed clinical social worker,
10 athletic trainer, or **licensed** [CERTIFIED DIRECT- ENTRY] midwife;

11 * **Sec. 27.** AS 11.41.470(1) is amended to read:

12 (1) "health care worker" includes a person who is or purports to be an
13 acupuncturist, advanced practice registered nurse, anesthesiologist, **licensed**
14 [CERTIFIED DIRECT-ENTRY] midwife, chiropractor, dentist, health aide, hypnotist,
15 massage therapist, mental health counselor, midwife, nurse, occupational therapist,
16 occupational therapy assistant, osteopath, naturopath, physical therapist, physical
17 therapist assistant, physician, physician assistant, psychiatrist, psychological associate,
18 psychologist, radiologist, religious healing practitioner, surgeon, x-ray technician, or a
19 substantially similar position;

20 * **Sec. 28.** AS 18.20.095(e)(2) is amended to read:

21 (2) "licensed staff member" means a person who is employed by the
22 hospital to provide direct patient care and who is licensed or certified in the state as a
23 physician or physician assistant under AS 08.64, **licensed** [DIRECT-ENTRY]
24 midwife under AS 08.65, nurse or nurse aide under AS 08.68, or physical therapist or
25 occupational therapist under AS 08.84;

26 * **Sec. 29.** AS 18.50.165(b) is amended to read:

27 (b) The registrar shall distribute copies of the form prepared under (a) of this
28 section to each hospital in the state, to each physician in the state whose practice
29 includes attendance at births, to each certified nurse midwife and **licensed**
30 [CERTIFIED DIRECT-ENTRY] midwife in the state, and to each other interested
31 person in the state who requests copies of the form.

1 * **Sec. 30.** AS 21.36.090(d) is amended to read:

2 (d) Except to the extent necessary to comply with AS 21.42.365 and
3 AS 21.56, a person may not practice or permit unfair discrimination against a person
4 who provides a service covered under a group health insurance policy that extends
5 coverage on an expense incurred basis, or under a group service or indemnity type
6 contract issued by a health maintenance organization or a nonprofit corporation, if the
7 service is within the scope of the provider's occupational license. In this subsection,
8 "provider" means a state licensed physician, physician assistant, dentist, osteopath,
9 optometrist, chiropractor, advanced practice registered nurse, pharmacist, naturopath,
10 physical therapist, occupational therapist, marital and family therapist, psychologist,
11 psychological associate, licensed clinical social worker, licensed professional
12 counselor, **licensed** [CERTIFIED DIRECT-ENTRY] midwife, or dental hygienist
13 holding an advanced practice permit.

14 * **Sec. 31.** AS 21.42.347(d) is amended by adding a new paragraph to read:

15 (3) "home birth" means an elective, planned delivery of a child in the
16 home setting.

17 * **Sec. 32.** AS 21.42.347 is amended by adding a new subsection to read:

18 (e) A health care insurer who provides coverage for the costs of childbirth
19 shall provide coverage for the costs of home birth services, including prenatal care,
20 delivery, and postpartum care of both mother and infant, provided by a licensed
21 midwife who is acting within the scope of the practice of midwifery under AS 08.65.

22 * **Sec. 33.** AS 21.42.355 is amended by adding new subsections to read:

23 (c) If a health care insurance plan or an excepted benefits policy or contract
24 provides indemnity for the cost of services of a physician provided to women during
25 preconception, pregnancy, childbirth, and the period after childbirth up to one year,
26 indemnity in a reasonable amount shall also be provided for the cost of a midwife
27 licensed under AS 08.65 who provides the same services. Indemnity may be provided
28 under this subsection only if the licensed midwife is practicing as a licensed midwife
29 within the scope of the license.

30 (d) If a health care insurance plan or an excepted benefits policy or contract
31 provides for furnishing those services required of a physician in the care of women

1 during preconception, pregnancy, childbirth, and the period after childbirth up to one
 2 year, the contract shall also provide that a midwife licensed under AS 08.65 may
 3 furnish those same services instead of a physician. Services may be provided under
 4 this subsection only if the licensed midwife is practicing as a licensed midwife in
 5 accordance with the regulations adopted under AS 08.65.030(a)(7), and the services
 6 provided are within the scope of practice of the license.

7 * **Sec. 34.** AS 21.84.335(b)(15) is amended to read:

8 (15) **AS 21.42.355(a) and (b)** [AS 21.42.355];

9 * **Sec. 35.** AS 25.20.055(a) is amended to read:

10 (a) When a birth occurs to an unmarried woman in a hospital or en route to a
 11 hospital to which the woman is later admitted, the hospital shall ensure that a staff
 12 member

13 (1) meets with the woman before release from the hospital;

14 (2) attempts to meet with the father of the unmarried woman's child, if
 15 possible;

16 (3) presents to the mother and, if possible, the father, a pamphlet or
 17 statement regarding the rights and responsibilities of a natural parent; the Department
 18 of Health shall prepare this pamphlet and distribute copies of it to each hospital in the
 19 state, to each physician in the state whose practice includes attendance at births, to
 20 each certified nurse midwife and **licensed** [CERTIFIED DIRECT-ENTRY] midwife
 21 in the state, and to other interested persons in the state who request copies;

22 (4) provides to the mother and, if possible, the father, all forms,
 23 statements, or agreements necessary to voluntarily establish a parent and child
 24 relationship, including an acknowledgment of paternity form prepared under
 25 AS 18.50.165;

26 (5) on request of the mother and father, assists the father in completing
 27 specific forms, statements, or agreements necessary to establish a parent and child
 28 relationship between the father and the child; and

29 (6) on request of the mother and father, mails a completed voluntary
 30 acknowledgment of paternity form to the state registrar for filing under AS 18.50.165.

31 * **Sec. 36.** AS 25.20.055(b) is amended to read:

1 (b) When a birth occurs to an unmarried woman who is not in a hospital for
 2 the birth nor admitted to a hospital immediately after the birth, and the birth is
 3 attended by a physician, certified nurse midwife, or **licensed** [CERTIFIED DIRECT-
 4 ENTRY] midwife, the physician, certified nurse midwife, or **licensed** [CERTIFIED
 5 DIRECT-ENTRY] midwife shall perform the duties described in (a)(2) - (6) of this
 6 section or ensure that an agent performs those duties.

7 * **Sec. 37.** AS 44.62.330(a)(36) is amended to read:

8 (36) Board of **Licensed** [CERTIFIED DIRECT-ENTRY] Midwives;

9 * **Sec. 38.** AS 47.07.900(13) is amended to read:

10 (13) "midwife services" means services within the practice of
 11 midwifery, as defined in AS 08.65.190, that are performed by a **licensed** [CERTIFIED
 12 DIRECT-ENTRY] midwife, and miscellaneous fees, other than facility fees, for birth
 13 kits, oxygen, and other ancillary expenses necessary for a birth attended by a **licensed**
 14 [CERTIFIED DIRECT-ENTRY] midwife;

15 * **Sec. 39.** AS 47.20.320(d) is amended to read:

16 (d) A hospital or other health facility, clinical laboratory, audiologist,
 17 physician, registered or advanced practice registered nurse, **licensed** [CERTIFIED
 18 DIRECT-ENTRY] midwife, officer or employee of a health facility or clinical
 19 laboratory, or an employee of an audiologist, physician, or registered or advanced
 20 practice registered nurse is not criminally or civilly liable for furnishing information in
 21 good faith to the department or its designee under this section. The furnishing of
 22 information in accordance with this section is not a violation of AS 08 or AS 18 or
 23 regulations adopted under AS 08 or AS 18 for licensees under those statutes.

24 * **Sec. 40.** AS 08.65.060, 08.65.070, and 08.65.090(b) are repealed.

25 * **Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to
 26 read:

27 TRANSITION: CONTINUATION OF BOARD. Notwithstanding AS 08.65.030, as
 28 amended by sec. 9 of this Act, the members of the Board of Certified Direct-Entry Midwives,
 29 as that board is constituted under AS 08.65.030, as that section reads on August 31, 2023,
 30 shall operate as the Board of Licensed Midwives, established by AS 08.65.010, as amended
 31 by secs. 7 and 8 of this Act, from September 1, 2023, until the new members of the Board of

1 Licensed Midwives are appointed by the governor under sec. 43 of this Act and confirmed by
2 the legislature under AS 08.65.010(b), as amended by sec. 8 of this Act.

3 * **Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to
4 read:

5 TRANSITION: CURRENT DIRECT-ENTRY MIDWIVES, MIDWIVES LICENSED
6 BY CREDENTIALS, AND APPRENTICE MIDWIVES. (a) Notwithstanding AS 08.65.050,
7 as amended by sec. 11 of this Act, a person who holds on August 31, 2023, an unexpired
8 certificate to practice direct-entry midwifery issued under AS 08.65.050, as that section reads
9 on August 31, 2023, is licensed on the effective date of sec. 11 of this Act to practice
10 midwifery under AS 08.65.050, as amended by sec. 11 of this Act, for a two-year period.

11 (b) Notwithstanding sec. 40 of this Act, a person who holds on August 31, 2023, an
12 unexpired certificate to practice direct-entry midwifery issued under AS 08.65.070, as that
13 section reads on August 31, 2023, may continue to practice direct-entry midwifery under that
14 certificate until the certificate expires normally under AS 08.65.080, as that section reads on
15 August 31, 2023, but shall otherwise comply with the provisions of AS 08.65.

16 (c) Notwithstanding AS 08.65.090, as amended by sec. 13 of this Act, a person who
17 holds on August 31, 2023, an unexpired permit to practice as an apprentice direct-entry
18 midwife issued under AS 08.65.090, as that section reads on August 31, 2023, is permitted on
19 the effective date of sec. 13 of this Act to practice as an apprentice midwife under
20 AS 08.65.090, as amended by sec. 13 of this Act, for a two-year period.

21 * **Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to
22 read:

23 TRANSITION: NEW BOARD MEMBERS. (a) Within 60 days after the effective
24 date of sec. 8 of this Act, the governor shall appoint a licensed midwife to be a member of the
25 board to replace the physician member of the board for the remainder of the term of the
26 physician member.

27 (b) Within 60 days after the effective date of sec. 8 of this Act, the governor shall
28 appoint a licensed midwife to be a member of the board to replace the certified nurse midwife
29 member of the board for the remainder of the term of the certified nurse midwife member.

30 (c) The board, as constituted under (a) and (b) of this section, shall begin operating as
31 the board when the legislature has confirmed the members appointed under (a) and (b) of this

1 section.

2 (d) In this section, "board" means the Board of Licensed Midwives established by
3 AS 08.65.010, as amended by secs. 7 and 8 of this Act.

4 * **Sec. 44.** The uncodified law of the State of Alaska is amended by adding a new section to
5 read:

6 TRANSITION: REGULATIONS. The Board of Direct-Entry Midwives may adopt
7 regulations to implement the changes made by secs. 1 – 4 and 6 - 40 of this Act. The
8 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before
9 September 1, 2023.

10 * **Sec. 45.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 RETROACTIVITY. If sec. 5 of this Act takes effect after June 30, 2023, sec. 5 of this
13 Act is retroactive to June 30, 2023.

14 * **Sec. 46.** Section 45 of this Act takes effect immediately under AS 01.10.070(c).

15 * **Sec. 47.** Section 5 of this Act takes effect June 30, 2023.

16 * **Sec. 48.** Except as provided in secs. 46 and 47 of this Act, this Act takes effect
17 September 1, 2023.