

**HOUSE BILL NO. 311**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE KELLER**

**Introduced: 2/19/14**

**Referred: Labor and Commerce**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to direct-entry midwives."**

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

3 \* **Section 1.** AS 08.64.370 is amended to read:

4 **Sec. 08.64.370. Exceptions to application of chapter.** This chapter does not  
5 apply to

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

9 (2) a physician or osteopath, who is not a resident of this state, who is  
10 asked by a physician or osteopath licensed in this state to help in the diagnosis or  
11 treatment of a case;

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

13 (4) a physician in the regular medical service of the United States  
14 Public Health Service or the armed services of the United States volunteering services  
15 without pay or other remuneration to a hospital, clinic, medical office, or other

1 medical facility in the state;

2 (5) a person who is certified as a direct-entry midwife by the  
3 department under AS 08.65 [OR WHO IS EXCLUDED FROM REGISTRATION  
4 UNDER AS 08.65.170(3) AND (4)] while engaged in the practice of midwifery  
5 whether or not the person accepts compensation for those services.

6 \* **Sec. 2.** AS 08.65.030(a) is amended to read:

7 (a) The board shall

8 (1) examine applicants and issue certificates to those applicants it finds  
9 qualified;

10 (2) adopt regulations establishing certification and certificate renewal  
11 requirements;

12 (3) issue permits to apprentice direct-entry midwives;

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

15 (5) supply forms for applications, licenses, permits, certificates, and  
16 other papers and records;

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

19 (7) approve curricula and adopt standards for basic education, training,  
20 and apprentice programs;

21 (8) provide for surveys of the basic direct-entry midwife education  
22 programs in the state at the times it considers necessary;

23 (9) approve education, training, and apprentice programs that meet the  
24 requirements of this chapter and of the board, and deny, revoke, or suspend approval  
25 of those [SUCH] programs for failure to meet the requirements;

26 **(10) adopt regulations establishing practice requirements for**  
27 **certified direct-entry midwives under AS 08.65.140.**

28 \* **Sec. 3.** AS 08.65.090(b) is amended to read:

29 (b) An apprentice direct-entry midwife may perform all the activities of a  
30 certified direct-entry midwife if supervised in a manner prescribed by the board by

31 (1) A **certified direct-entry** [CERTIFIED-DIRECT-ENTRY] midwife

1 who has been licensed and practicing in this state for at least two years **and has acted**  
 2 **as a primary or assistant midwife at 50 or more births since the date the certified**  
 3 **direct-entry midwife was first licensed;**

4 (2) a certified direct-entry midwife who has been licensed for at least  
 5 two years in a state with licensing requirements at least equivalent in scope, quality,  
 6 and difficulty to those of this state at the time of licensing, [WHO IS CERTIFIED IN  
 7 THIS STATE, AND WHO] has practiced midwifery for the last two years, **and has**  
 8 **acted as a primary or assistant midwife at 50 or more births since the date the**  
 9 **certified direct-entry midwife was first licensed;**

10 (3) a physician licensed in this state with an obstetrical practice at the  
 11 time of undertaking the apprenticeship; or

12 (4) a certified nurse midwife licensed by the Board of Nursing in this  
 13 state with an obstetrical practice at the time of undertaking the apprenticeship.

14 \* **Sec. 4.** AS 08.65.140 is repealed and reenacted to read:

15 **Sec. 08.65.140. Required practices.** The board shall adopt regulations  
 16 regarding the practice of direct-entry midwifery. At a minimum, the regulations must  
 17 require that a certified direct-entry midwife

18 (1) recommend, before care or delivery of a client, that the client  
 19 undergo a physical examination performed by a physician, physician assistant,  
 20 advanced nurse practitioner, or certified nurse midwife who is licensed in this state;

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

22 (3) comply with AS 18.15.150 regarding taking of blood samples,  
 23 AS 18.15.200 regarding screening of phenylketonuria (PKU), AS 18.50.160 regarding  
 24 birth registration, AS 18.50.230 regarding registration of deaths, AS 18.50.240  
 25 regarding fetal death registration, and regulations adopted by the Department of  
 26 Health and Social Services concerning prophylactic treatment of the eyes of newborn  
 27 infants;

28 (4) not knowingly deliver a woman with certain types of health  
 29 conditions, prior history, or complications as specified by the board.

30 \* **Sec. 5.** AS 08.65.190(3) is repealed and reenacted to read:

31 (3) "practice of midwifery" means providing necessary supervision,

1 health care, preventative measures, and education to women during pregnancy, labor,  
2 and the postpartum period; conducting deliveries on the midwife's own responsibility;  
3 providing immediate postpartum care of the newborn infant, well-baby care for the  
4 infant through the age of four weeks, and preventative measures for the infant;  
5 identifying physical, social, and emotional needs of the newborn and the woman;  
6 arranging for consultation, referral, and continued involvement of the midwife on a  
7 collaborative basis when the care required extends beyond the scope of practice of the  
8 midwife; providing direct supervision of student and apprentice midwives; and  
9 executing emergency measures in the absence of medical assistance, as specified in  
10 regulations adopted by the board.

11 \* **Sec. 6.** AS 08.65.170(3) and 08.65.170(4) are repealed.