

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Health Occupations Revision Act of 1985 to provide for the licensure of certified midwives by the Board of Nursing, to identify the scope of practice of certified midwives, to allow certified midwives to operate at maternity centers, to allow certified midwives to be eligible for Medicaid reimbursement, and to prohibit representation as a certified midwife unless licensed; to amend the Medical Malpractice Amendment Act of 2006 to require maternity centers and midwives to report adverse events that occur during the course of medical care of a patient; and to make other conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Certified Midwife Credential Amendment Act of 2021”.

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The Table of Contents is amended by striking the phrase “Sec. 671. Reimbursement for certified professional midwives.” and inserting the phrase “Sec. 671. Reimbursement for certified professional midwives or certified midwives.” in its place.

(b) Title I is amended as follows:

(1) Section 101 (D.C. Official Code § 3-1201.01) is amended by a new paragraph (1B-i) to read as follows:

“(1B-i) “Certified midwife” means a person licensed in the District under this act to practice certified midwifery who has graduated from a graduate-level midwifery education program accredited by the Accreditation Commission for Midwifery Education or its successor organization and holds a valid certification from the American Midwifery Certification Board or its successor organization.

(2) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new paragraph (2C-i) as follows:

“(2C-i) “Practice of certified midwifery” means the provision of independent management of primary maternity and well-women care by a certified midwife licensed under this act to a patient-client in the normal course of childbirth, including prenatal, intrapartum,

postpartum, and normal new-born care. The practice of certified midwifery includes:

“(A) Prescribing medications, including controlled substances and contraceptive methods;

“(B) Admitting, managing, and discharging patients;

“(C) Ordering and interpreting laboratory and diagnostic tests and ordering the use of medical devices in the course of care;

“(D) Consulting and treating in areas such as health promotion, family planning services, disease prevention, individualized wellness education and counseling, and primary care unrelated to childbirth; and

“(E) Management of common health problems that may require consultation, collaborative management, or referral as indicated by the health status of the patient-client, in accordance with standards established by the American College of Nurse-Midwives.”.

(c) Section 204(b)(1) (D.C. Official Code § 3-1202.04(b)(1)) is amended by striking the phrase “the practice of advanced practice registered nursing,” and inserting the phrase “the practice of advanced practice registered nursing, certified midwifery,” in its place.

(d) Title V is amended as follows:

(1) Section 501(a) (D.C. Official Code § 3-1205.01(a)) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(a)(1) A license issued pursuant to this act is required to practice acupuncture, advanced practice addiction counseling, advanced practice registered nursing, assisted living administration, audiology, chiropractic, certified midwifery, certified professional midwifery, cytotechnology, dental hygiene, dentistry, dietetics, histotechnology, home health care administration, marriage and family therapy, massage therapy, medical laboratory technology, medicine, naturopathic medicine, nutrition, nursing home administration, occupational therapy, optometry, pharmaceutical detailing, pharmacy, physical therapy, podiatry, practical nursing, professional counseling, psychology, registered nursing, respiratory care, social work, speech-language pathology, veterinary medicine, or to practice as an anesthesiologist assistant, athletic trainer, personal fitness trainer, physician assistant, physical therapy assistant, polysomnographic technologist, occupational therapy assistant, surgical assistant, professional art therapy, or as a trauma technologist in the District, except as otherwise provided in this act.”.

(B) Paragraph (3) is amended by striking the phrase “advanced practice registered nursing.”.

(C) A new paragraph (5) is added to read as follows:

“(5) A license issued to practice advanced practice registered nursing shall further specify that the license is being issued to practice as a:

“(A) Certified nurse practitioner;

“(B) Certified registered nurse anesthetist;

“(C) Certified nurse-midwife; or

“(D) Clinical nurse specialist.”.

(2) Section 504 (D.C. Official Code § 3-1205.04) is amended by adding a new subsection (u) to read as follows:

“(u) An individual applying for a license to practice certified midwifery under this act shall establish to the satisfaction of the Board of Nursing that the individual:

“(1) Holds a valid graduate degree in midwifery from a program accredited by the Accreditation Commission for Midwifery Education or its successor organization;

“(2) Has successfully passed the certification exam from the American Midwifery Certification Board or its successor organization;

“(3) Is at least 21 years of age by the date of the licensure application;

“(4) Has completed a criminal history background check in accordance with section 522; and

“(5) Has successfully completed any other requirements for licensure as determined by rules issued pursuant to section 302.”.

(e) Title VI-E is amended as follows:

(1) Section 662 (D.C. Official Code § 3-1206.62) is amended as follows:

(A) The lead-in language of subsection (a) is amended by striking the phrase “certified nurse-midwife” and inserting the phrase “certified nurse-midwife, certified midwife,” in its place.

(B) Subsection (b)(1) is amended by striking the phrase “certified nurse-midwife” and inserting the phrase “certified nurse-midwife, certified midwife,” in its place.

(C) Subsection (c) is amended by striking the phrase “certified nurse midwife,” and inserting the phrase “certified nurse-midwife, certified midwife,” in its place.

(2) Section 663 (D.C. Official Code § 3-1206.63) is amended as follows:

(A) Subsection (a) is amended as follows:

(i) Paragraph (1) is amended to read as follows:

“(a)(1) Each maternity center, regardless of size, shall have written practice guidelines establishing procedures for both normal and emergency care. The practice guidelines shall be consistent with the Practice Guidelines of the American College of Nurse-Midwives, Standards of Practice of the National Association of Certified Professional Midwives, and District of Columbia laws and regulations relating to midwifery practices. The practice guidelines shall indicate the areas of responsibility of medical, certified nurse-midwife, certified midwife, certified professional midwifery, and nursing personnel and the extent to which the responsibility of physicians can be delegated. The practice guidelines shall be available to all members of the center and shall be reviewed annually. The practice guidelines shall not be interpreted to set,

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establish, define, enumerate, or otherwise lower the applicable standard of care for a certified professional midwife, a certified nurse-midwife, or a certified midwife.”.

(ii) Paragraph (2) is amended by striking the phrase “a certified professional-midwife or” and inserting the phrase “certified midwife, certified professional midwife, or” in its place.

(B) Subsection (b) is amended to read as follows:

“(b) A certified nurse-midwife, certified midwife, certified professional midwife, or physician with special training in obstetrics shall attend each patient-client in labor from the time of admission, during labor, during birth, and through the immediate postpartum period; except, that attendance may be delegated to another certified nurse-midwife, certified midwife, a CPM, or physician. At least 2 attendants shall be present at every birth, one of whom is a certified nurse-midwife, certified midwife, CPM, or physician with special training in obstetrics. Both attendants shall be certified in adult cardiopulmonary resuscitation (“CPR”), equivalent to the American Heart Association Class C basic life support, and neonatal CPR, equivalent to the American Academy of Pediatrics or American Heart Association standards. Qualified personnel, including a certified nurse-midwife, certified midwife, CPM, or a Board-certified physician, shall always be on duty when patient-clients are admitted, whether on the premises or on call.”.

(3) Section 664 (D.C. Official Code § 3-1206.64) is amended by striking the phrase “CPM,” both times it appears and inserting the phrase “CPM, certified midwife,” in its place.

(f) Section 671 (D.C. Official Code § 3-1206.71) is amended as follows:

(1) The section heading is amended to read as follows:

“Sec. 671. Reimbursement for certified professional midwives or certified midwives.”.

(2) Subsection (a) is amended to read as follows:

“(a) A health benefit plan or health insurance provided through Medicaid shall provide coverage for services rendered by a certified professional midwife or a certified midwife for services within the scope of the practice of certified professional midwifery or the practice of certified midwifery, respectively, regardless of the location where such services are provided.”.

(3) Subsection (b) is amended by striking the phrase “certified professional midwife” and inserting the phrase “certified professional midwife or certified midwife” in its place.

(4) Subsection (c) is amended by striking the phrase “by a certified professional midwife” and inserting the phrase “by a certified professional midwife or a certified midwife” in its place.

(g) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (kk) to read as follows:

“(kk) Unless authorized to practice certified midwifery under this act, a person shall not use or imply the use of the words or terms “certified midwife”, “licensed midwife”, or any

similar title or description of services with the intent to represent that the person practices midwifery as a certified midwife.”.

**Sec. 3. Malpractice.**

(a) Section 202(a)(2) of the Medical Malpractice Amendment Act of 2006, effective March 14, 2007 (D.C. Law 16-263; D.C. Official Code § 7-161(a)(2)), is amended to read as follows:

“(2) “Healthcare provider” means an individual or entity licensed or otherwise authorized under District law to provide healthcare service, including a hospital, nursing facility, comprehensive outpatient rehabilitation facility, home health agency, hospice program, renal dialysis facility, ambulatory surgical center, pharmacy, physician or health care practitioner’s office, long-term care facility, behavior health residential treatment facility, health clinic, clinical laboratory, health center, maternity center, physician, physician assistant, nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, certified nurse midwife, certified midwife, certified professional midwife, psychologist, certified social worker, registered dietitian or nutrition professional, physical or occupational therapist, pharmacist, or other individual health care practitioner.”.

(b) Section 2 of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, effective August 17, 1991 (D.C. Law 9-41; D.C. Official Code § 7-402), is amended by striking the phrase “or nurse-midwife” both times it appears and inserting the phrase “certified midwife, or advanced practice registered nurse” in its place.

**Sec. 4. Conforming amendments.**

(a) Section 1 of An Act To provide for the prevention of blindness in infants born in the District of Columbia, approved April 27, 1937 (50 Stat. 120; D.C. Official Code § 7-801), is amended to read as follows:

“The Mayor may, upon the advice of the Director of the Department of Health and pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules to prevent and monitor the occurrence of ophthalmia in newborns. Unless the Mayor provides otherwise, each physician, certified midwife, certified professional midwife, or certified nurse-midwife who delivers or otherwise assumes the initial care of a newborn shall, immediately upon that delivery or assumption of care, administer to each eye of the newborn a 1% solution of silver nitrate, an ophthalmic ointment containing either 1% tetracycline or 0.5% erythromycin, or another prophylactic approved by the Mayor.”.

(b) Section 3a(c) of the Newborn Health Insurance Act of 1979, effective April 9, 1997 (D.C. Law 11-241; D.C. Official Code § 31-3802.01(c)), is amended by striking the phrase

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“nurse midwife,” and inserting the phrase “certified midwife, certified nurse-midwife,” in its place.

(c) Section 301 of the Health Benefits Plan Members Bill of Rights Act of 1998, effective April 27, 1999 (D.C. Law 12-274; D.C. Official Code § 44-303.01), is amended by striking the phrase “physician or nurse midwife” and inserting the phrase “physician, certified nurse-midwife, or certified midwife” in its place.

(d) Section 2(6) of the District of Columbia Health Professional Recruitment Program Act of 2005, effective March 8, 2006 (D.C. Law 16-71; D.C. Official Code § 7-751.01(6)), is amended by striking the phrase “certified professional midwives,” and inserting the phrase “certified midwives, certified professional midwives,” in its place.

**Sec. 5. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 6. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia