

## 1 SENATE BILL NO. 23

2 INTRODUCED BY A. BLEWETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A LICENSED DIRECT-ENTRY MIDWIFE TO INFORM  
5 A WOMAN WHETHER THE MIDWIFE HAS CURRENT MALPRACTICE OR PROFESSIONAL NEGLIGENCE  
6 INSURANCE COVERAGE PRIOR TO ACCEPTING THE WOMAN FOR CARE; AND AMENDING SECTION  
7 37-27-311, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 37-27-311, MCA, is amended to read:

12 **"37-27-311. Informed consent.** (1) Prior to accepting a woman for care, a licensed direct-entry midwife  
13 shall first obtain written, informed consent from the woman.

14 (2) Informed consent must be evidenced by a written statement, in a form prescribed by the board and  
15 signed by the direct-entry midwife and the woman to whom care is to be given, in which the direct-entry midwife  
16 certifies that full disclosure has been made and acknowledged by the woman on the following:

17 (a) the direct-entry midwife's educational background;

18 (b) the nature and scope of the care to be given, including the possibility of and procedure for transport  
19 of the patient to a hospital;

20 (c) the available alternatives to direct-entry midwifery care;

21 (d) a description of the risks of home birth, primarily those conditions that may arise during delivery;

22 (e) the fact that the patient has been advised to consult with a physician at least twice during the  
23 pregnancy;

24 (f) whether the midwifery services provided are located more than 50 miles from the nearest hospital;

25 **and**

26 (g) whether the direct-entry midwife has current malpractice or professional negligence insurance  
27 coverage; and

28 (g)(h) that a health care provider's liability in rendering care or assistance in good faith to a patient of a  
29 direct-entry midwife in an emergency situation is limited to damages caused by gross negligence or by willful or  
30 wanton acts or omissions."

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