

1 ENGROSSED SENATE
2 BILL NO. 405

By: Stanley of the Senate

3 and

4 Roe of the House

5
6 An Act relating to midwifery; amending Section 5,
7 Chapter 40, O.S.L. 2020 (59 O.S. Supp. 2020, Section
8 3040.5), which relates to the Advisory Committee on
9 Midwifery; clarifying appointment procedure and terms
10 of members; removing inapplicable reference; and
11 providing an effective date.

12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 5, Chapter 40, O.S.L. 2020
14 (59 O.S. Supp. 2020, Section 3040.5), is amended to read as follows:

15 Section 3040.5. A. There is hereby created, to continue until
16 July 1, 2026, ~~in accordance with the provisions of the Oklahoma~~
17 ~~Sunset Law~~, an Advisory Committee on Midwifery, which shall consist
18 of seven (7) voting members to be appointed by the State
19 Commissioner of Health as follows:

20 1. Three licensed midwives, each of whom has at least three (3)
21 years of experience in the practice of midwifery;

22 2. One Certified Nurse-Midwife;

23 3. One physician who is certified by a national professional
24 organization of physicians that certifies obstetricians and
gynecologists and supports the practice of midwifery;

1 4. One physician who is certified by a national professional
2 organization of physicians that certifies family practitioners or
3 pediatricians and supports the practice of midwifery; and

4 5. One member of the general public who is not practicing or
5 trained in a health care profession, and who is a parent with at
6 least one child born with the assistance of a licensed midwife or a
7 Certified Nurse-Midwife.

8 B. Members of the Committee shall ~~serve for staggered terms of~~
9 ~~six (6) years. The terms of three members shall expire on January~~
10 ~~31 of each odd-numbered year~~ be divided into three classes. The
11 initial terms of the first class shall expire on January 31, 2023,
12 and subsequent terms shall expire on January 31 of each sixth year
13 thereafter. The initial terms of the second class shall expire on
14 January 31, 2025, and subsequent terms shall expire on January 31 of
15 each sixth year thereafter. The initial terms of the third class
16 shall expire on January 31, 2027, and subsequent terms shall expire
17 on January 31 of each sixth year thereafter. Members shall serve
18 until a qualified successor has been duly appointed. The
19 Commissioner shall fill a vacancy no later than sixty (60) days from
20 the date the vacancy occurs. No person shall be appointed to serve
21 more than two (2) consecutive terms.

22 C. The Committee shall annually elect a chair and vice-chair
23 from among its members.
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1 D. The Committee shall meet at least semiannually and at any
2 other time at the call of the chair or the Commissioner.

3 E. The Committee shall meet in accordance with the Oklahoma
4 Open Meeting Act.

5 F. A majority of the members of the Committee including at
6 least two licensed midwives, shall constitute a quorum for the
7 conduct of Committee business.

8 G. 1. The Committee shall advise the Commissioner on all
9 matters pertaining to midwifery including but not limited to:

- 10 a. scope and standards of practice,
- 11 b. licensure requirements, examination requirements,
12 exceptions thereto, renewal requirements, temporary
13 licensure and endorsement or reciprocity requirements,
- 14 c. methods and requirements for ensuring the continued
15 competence of licensed and registered persons,
16 including the type of courses and number of hours
17 required to meet the basic midwifery education course
18 and continuing midwifery education course
19 requirements, and instructors or facilities used in
20 the basic and continuing education requirements,
- 21 d. procedures for reporting of outcomes including, but
22 not limited to, live births and fetal, newborn or
23 maternal deaths,

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1 e. grounds for reporting and processing complaints,
2 violations, probation, revocation or suspension of
3 license or reinstatement provisions, and

4 f. all other matters which may pertain to the practice of
5 midwifery.

6 2. The Committee shall review and make recommendations to the
7 Commissioner on all applications for licensure.

8 3. The Committee shall assist and advise the Commissioner in
9 all hearings related to the enforcement of Shepherd's Law. The
10 Committee shall review all complaints and make recommendations to
11 the Commissioner on appropriate disciplinary action including, but
12 not limited to, administrative fines, license revocation and license
13 suspension.

14 SECTION 2. This act shall become effective November 1, 2021.

15 Passed the Senate the 2nd day of March, 2021.

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18 Presiding Officer of the Senate

19 Passed the House of Representatives the ____ day of _____,
20 2021.

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22 _____
23 Presiding Officer of the House
24 of Representatives