

1 **UNLICENSED DIRECT-ENTRY MIDWIFERY**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carol Spackman Moss**

5 Senate Sponsor: Deidre M. Henderson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Direct-Entry Midwife Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ amends the unlawful conduct provisions of the Direct-Entry Midwife Act; and
- 13 ▶ makes technical changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **58-77-501**, as enacted by Laws of Utah 2005, Chapter 299

22 *Be it enacted by the Legislature of the state of Utah:*

23 Section 1. Section **58-77-501** is amended to read:

24 **58-77-501. Unlawful conduct.**

25 (1) In addition to the [~~definition in Subsection 58-1-501(1), "unlawful conduct"~~
26 ~~includes~~] conduct that constitutes unlawful conduct under Subsection 58-1-501(1), it is
27 unlawful conduct for an individual who is not licensed under this chapter to:

28 (a) [~~representing or holding oneself out as a~~] represent or hold out that the individual is
29 a licensed direct-entry midwife [when not licensed under this chapter, and];

30 (b) ~~[using]~~ administer a prescription [medications] medication, except oxygen, ~~[while~~
31 ~~engaged]~~ in the practice of direct-entry midwifery ~~[when not licensed under this chapter.];~~

32 (c) before engaging in the practice of midwifery with a client, fail to obtain from the
33 client an informed consent statement that includes the following:

34 (i) a description of the individual's midwifery education, training, continuing
35 education, and experience;

36 (ii) a statement that the individual is not licensed by the state as a direct-entry midwife;

37 (iii) a statement that it is unlawful for the individual to administer to the client a
38 prescription medication, except oxygen, in the practice of direct-entry midwifery;

39 (iv) a written plan to address medical issues the client may experience during
40 pregnancy, labor, or childbirth, which plan shall address transfer of the client to a licensed
41 health care provider or facility, if necessary;

42 (v) the name and signature of the individual;

43 (vi) the name and signature of the client;

44 (vii) the date the individual signed the statement; and

45 (viii) the date the client signed the statement; or

46 (d) fail to retain for at least 4 years a signed statement from a client described by
47 Subsection (1)(c).

48 (2) (a) Except ~~[as provided in Subsections (1)(a) and (b)]~~ for conduct that constitutes
49 unlawful conduct under Subsection (1), it is lawful to practice direct-entry midwifery in the
50 state without being licensed under this chapter.

51 (b) The practice of direct-entry midwifery is not considered the practice of medicine,
52 nursing, or nurse-midwifery.