

HOUSE BILL No. 4749

May 21, 2013, Introduced by Reps. McBroom, Heise, Cavanagh, Schmidt, Shirkey, Bumstead, Rendon, MacGregor, Johnson, Dianda, Irwin, Foster, Darany, O'Brien, Stallworth, Olumba, Yonker, LaFontaine, Tlaib, Muxlow, Hooker, Jenkins, Daley, Franz, Walsh and Kandrevas and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16326 and part
171.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16326. FEES FOR AN INDIVIDUAL LICENSED OR SEEKING
2 LICENSURE TO PRACTICE AS A MIDWIFE UNDER PART 171 ARE AS FOLLOWS:

3	(A) APPLICATION PROCESSING FEE.....	\$ 20.00
4	(B) LICENSE FEE, PER YEAR.....	75.00
5	(C) STUDENT LICENSE FEE, PER YEAR.....	10.00
6	(D) TEMPORARY LICENSE.....	10.00
7	(E) LIMITED LICENSE, PER YEAR.....	10.00

PART 171. MIDWIFERY

9 SEC. 17101. (1) AS USED IN THIS PART:

10 (A) "APPROPRIATE HEALTH PROFESSIONAL", FOR THE PURPOSES OF

1 REFERRAL, CONSULTATION, OR COLLABORATION WITH A MIDWIFE UNDER
2 THIS PART, MEANS ANY OF THE FOLLOWING:

3 (i) A PHYSICIAN.

4 (ii) A CERTIFIED NURSE MIDWIFE.

5 (iii) AS IDENTIFIED IN RULES PROMULGATED UNDER SECTION 17117,
6 ANOTHER APPROPRIATE HEALTH PROFESSIONAL LICENSED, REGISTERED, OR
7 OTHERWISE AUTHORIZED TO ENGAGE IN A HEALTH PROFESSION UNDER THIS
8 ARTICLE.

9 (B) "CERTIFIED NURSE MIDWIFE" MEANS A REGISTERED
10 PROFESSIONAL NURSE UNDER PART 172 WHO HAS BEEN ISSUED A SPECIALTY
11 CERTIFICATION IN THE PROFESSION SPECIALTY FIELD OF NURSE
12 MIDWIFERY BY THE BOARD OF NURSING UNDER SECTION 17210.

13 (C) "MIDWIFE" MEANS AN INDIVIDUAL LICENSED UNDER THIS PART
14 TO ENGAGE IN THE PRACTICE OF MIDWIFERY.

15 (D) "PHYSICIAN" MEANS AN INDIVIDUAL LICENSED TO ENGAGE IN
16 THE PRACTICE OF MEDICINE UNDER PART 170 OR THE PRACTICE OF
17 OSTEOPATHIC MEDICINE AND SURGERY UNDER PART 175.

18 (E) "PRACTICE OF MIDWIFERY", SUBJECT TO SUBSECTION (2),
19 MEANS PROVIDING MATERNITY CARE THAT IS CONSISTENT WITH A
20 MIDWIFE'S TRAINING, EDUCATION, AND EXPERIENCE, TO WOMEN AND
21 NEONATES DURING THE ANTEPARTUM, INTRAPARTUM, AND POSTPARTUM
22 PERIODS.

23 (2) PRACTICE OF MIDWIFERY DOES NOT INCLUDE EITHER OF THE
24 FOLLOWING:

25 (A) THE PRACTICE OF MEDICINE OR OSTEOPATHIC MEDICINE AND
26 SURGERY.

27 (B) THE PRACTICE OF NURSING, INCLUDING THE PRACTICE OF

1 NURSING WITH A SPECIALTY CERTIFICATION IN THE PROFESSION
2 SPECIALTY FIELD OF NURSE MIDWIFERY UNDER PART 172.

3 (3) IN ADDITION TO THE DEFINITIONS OF THIS PART, ARTICLE 1
4 CONTAINS GENERAL DEFINITIONS AND PRINCIPLES OF CONSTRUCTION
5 APPLICABLE TO ALL ARTICLES IN THIS CODE AND PART 161 CONTAINS
6 DEFINITIONS APPLICABLE TO THIS PART.

7 SEC. 17103. BEGINNING THE EFFECTIVE DATE OF RULES
8 PROMULGATED UNDER SECTION 17117, AN INDIVIDUAL SHALL NOT USE THE
9 TITLES "LICENSED MIDWIFE" OR "L.M.", OR SIMILAR WORDS OR INITIALS
10 THAT INDICATE THAT THE INDIVIDUAL IS LICENSED AS A MIDWIFE,
11 UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS PART.

12 SEC. 17105. (1) BEGINNING ON THE EFFECTIVE DATE OF RULES
13 PROMULGATED UNDER SECTION 17117, AN INDIVIDUAL SHALL NOT ENGAGE
14 IN THE PRACTICE OF MIDWIFERY UNLESS LICENSED UNDER THIS PART OR
15 IS OTHERWISE AUTHORIZED BY THIS ARTICLE.

16 (2) A MIDWIFE SHALL NOT PERFORM AN ACT, TASK, OR FUNCTION
17 WITHIN THE PRACTICE OF MIDWIFERY UNLESS HE OR SHE IS TRAINED TO
18 PERFORM THE ACT, TASK, OR FUNCTION AND THE PERFORMANCE OF THAT
19 ACT, TASK, OR FUNCTION IS CONSISTENT WITH THE RULES PROMULGATED
20 UNDER SECTION 17117.

21 (3) IN ADDITION TO THE EXEMPTIONS FROM LICENSURE UNDER
22 SECTION 16171, SUBSECTION (1) DOES NOT PREVENT ANY OF THE
23 FOLLOWING:

24 (A) AN INDIVIDUAL LICENSED, REGISTERED, OR CERTIFIED UNDER
25 ANY OTHER PART OR ACT FROM PERFORMING ACTIVITIES THAT ARE
26 CONSIDERED TO BE WITHIN THE PRACTICE OF MIDWIFERY IF THOSE
27 ACTIVITIES ARE WITHIN THE INDIVIDUAL'S SCOPE OF PRACTICE AND IF

1 THE INDIVIDUAL DOES NOT USE THE TITLES PROTECTED UNDER SECTION
2 17103.

3 (B) SUBJECT TO SECTION 16215, AN EMPLOYEE OR OTHER
4 INDIVIDUAL WHO IS ASSISTING A MIDWIFE; WHO IS UNDER THE MIDWIFE'S
5 SUPERVISION; AND WHO IS PERFORMING ACTIVITIES OR FUNCTIONS THAT
6 ARE DELEGATED BY THE MIDWIFE, THAT ARE NONDISCRETIONARY, THAT DO
7 NOT REQUIRE THE EXERCISE OF PROFESSIONAL JUDGMENT FOR THEIR
8 PERFORMANCE, AND THAT ARE WITHIN THE MIDWIFE'S AUTHORITY TO
9 PERFORM.

10 (C) AN INDIVIDUAL FROM PERFORMING ACTIVITIES THAT ARE WITHIN
11 THE PRACTICE OF MIDWIFERY IF THOSE ACTIVITIES ARE PERFORMED UNDER
12 THE DIRECT AND IMMEDIATE SUPERVISION OF AN APPROPRIATE HEALTH
13 PROFESSIONAL DURING COMPLETION OF THE NORTH AMERICAN REGISTRY OF
14 MIDWIVES PORTFOLIO EVALUATION PROCESS OR AS A STUDENT AT A
15 MIDWIFERY EDUCATION PROGRAM ACCREDITED BY THE MIDWIFERY EDUCATION
16 ACCREDITATION COUNCIL OR OTHER ACCREDITING BODY APPROVED BY THE
17 BOARD.

18 (D) SELF-CARE BY A PATIENT OR UNCOMPENSATED CARE BY A FRIEND
19 OR FAMILY MEMBER WHO DOES NOT REPRESENT OR HOLD HIMSELF OR
20 HERSELF OUT TO BE A MIDWIFE.

21 (E) SERVICES PROVIDED BY A RELIGIOUS PRACTITIONER IF THAT
22 RELIGIOUS PRACTITIONER DOES NOT HOLD HIMSELF OR HERSELF OUT TO
23 THE PUBLIC AS A MIDWIFE AND DOES NOT USE ANY OF THE TITLES
24 PROTECTED UNDER SECTION 17103.

25 (F) SERVICES PROVIDED BY A MEMBER OF A BONA FIDE CHURCH OR
26 RELIGIOUS DENOMINATION IF ALL OF THE FOLLOWING ARE MET:

27 (i) THE SERVICES ARE PROVIDED TO ANOTHER MEMBER OF THAT

1 CHURCH OR DENOMINATION AND THAT OTHER MEMBER IS AN ADHERENT OF
2 THE ESTABLISHED TENETS OR TEACHINGS OF THAT CHURCH OR
3 DENOMINATION AND RELIES ON TREATMENT BY PRAYER OR SPIRITUAL MEANS
4 ONLY, IN ACCORDANCE WITH THE CREED OR TENETS OF THAT CHURCH OR
5 DENOMINATION.

6 (ii) THE INDIVIDUAL PROVIDING THE SERVICES DOES NOT RECEIVE A
7 FEE FOR THOSE SERVICES. FOR PURPOSES OF THIS SUBPARAGRAPH, A
8 VOLUNTARY CONTRIBUTION IS NOT CONSIDERED A FEE FOR THE SERVICES
9 PROVIDED BY THAT INDIVIDUAL.

10 SEC. 17107. AT HIS OR HER INITIAL CONSULTATION WITH A
11 PATIENT, A MIDWIFE SHALL ESTABLISH A PROTOCOL FOR MEDICAL
12 EMERGENCIES, INCLUDING TRANSPORTATION TO A HOSPITAL, THAT IS
13 SPECIFIC TO THAT PATIENT.

14 SEC. 17109. A MIDWIFE SHALL OBTAIN INFORMED CONSENT FROM A
15 PATIENT AT THE INCEPTION OF CARE AND CONTINUING THROUGHOUT THE
16 PATIENT'S CARE.

17 SEC. 17111. (1) A MIDWIFE SHALL NOT DO ANY OF THE FOLLOWING:

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (2), ADMINISTER
19 PRESCRIPTION DRUGS OR MEDICATIONS.

20 (B) USE VACUUM EXTRACTORS OR FORCEPS.

21 (C) PRESCRIBE MEDICATIONS.

22 (D) PERFORM SURGICAL PROCEDURES OTHER THAN EPISIOTOMIES OR
23 REPAIRS OF PERINEAL LACERATIONS.

24 (E) ANY OTHER ACT, TASK, OR FUNCTION PROHIBITED IN RULES
25 PROMULGATED UNDER THIS PART.

26 (2) BEGINNING ON THE EFFECTIVE DATE OF, AND SUBJECT TO, THE
27 RULES DESCRIBED IN SUBSECTION (3), A MIDWIFE WHO HOLDS A STANDING

1 PRESCRIPTION FROM A LICENSED HEALTH CARE PROVIDER WITH
2 PRESCRIPTIVE AUTHORITY MAY ADMINISTER ANY OF THE FOLLOWING:

3 (A) PROPHYLACTIC VITAMIN K TO A NEWBORN, EITHER ORALLY OR
4 THROUGH INTRAMUSCULAR INJECTION.

5 (B) POSTPARTUM ANTIHEMORRHAGIC AGENTS TO A MOTHER.

6 (C) LOCAL ANESTHETIC FOR THE REPAIR OF LACERATIONS TO A
7 MOTHER.

8 (D) OXYGEN TO A MOTHER OR NEWBORN.

9 (E) PROPHYLACTIC EYE AGENT TO A NEWBORN.

10 (F) PROPHYLACTIC RHO(D) IMMUNOGLOBULIN TO A MOTHER.

11 (G) AGENTS FOR GROUP B STREPTOCOCCUS PROPHYLAXIS,
12 RECOMMENDED BY THE FEDERAL CENTERS FOR DISEASE CONTROL AND
13 PREVENTION, TO A MOTHER.

14 (H) INTRAVENOUS FLUIDS, EXCLUDING BLOOD PRODUCTS, TO A
15 MOTHER.

16 (I) ANY OTHER DRUG OR MEDICATION PRESCRIBED BY A HEALTH CARE
17 PROVIDER WITH PRESCRIPTIVE AUTHORITY THAT IS CONSISTENT WITH THE
18 SCOPE OF THE PRACTICE OF MIDWIFERY OR AUTHORIZED BY THE BOARD BY
19 RULE.

20 (3) THE BOARD SHALL PROMULGATE RULES CONCERNING THE
21 ADMINISTRATION OF PRESCRIPTION DRUGS OR MEDICATIONS DESCRIBED IN
22 SUBSECTION (2) BY MIDWIVES.

23 SEC. 17113. (1) THE MICHIGAN BOARD OF LICENSED MIDWIFERY IS
24 CREATED IN THE DEPARTMENT. THE BOARD CONSISTS OF THE FOLLOWING 7
25 MEMBERS WHO MEET THE REQUIREMENTS OF PART 161:

26 (A) FIVE MIDWIVES.

27 (B) TWO MEMBERS OF THE GENERAL PUBLIC.

(2) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE TERM OF OFFICE OF A MEMBER OF THE BOARD IS 4 YEARS AND EXPIRES ON DECEMBER 31 OF THE YEAR IN WHICH THE TERM EXPIRES. FOR MEMBERS FIRST APPOINTED UNDER THIS SECTION, 2 MEMBERS SHALL SERVE FOR 2 YEARS, 2 MEMBERS SHALL SERVE FOR 3 YEARS, AND 3 MEMBERS SHALL SERVE FOR 4 YEARS.

SEC. 17115. IF IT RECEIVES A COMPLETE APPLICATION AND PAYMENT OF THE FEE PRESCRIBED IN SECTION 16326, THE DEPARTMENT SHALL ISSUE A LICENSE UNDER THIS PART TO THE APPLICANT IF THE APPLICANT MEETS ALL OF THE FOLLOWING:

(A) HE OR SHE HAS RECEIVED A HIGH SCHOOL DIPLOMA OR PASSED THE GENERAL EDUCATIONAL DEVELOPMENT (G.E.D.) DIPLOMA TEST OR ANY OTHER HIGH SCHOOL GRADUATE EQUIVALENCY EXAMINATION APPROVED BY THE BOARD.

(B) HE OR SHE HOLDS THE CREDENTIAL OF CERTIFIED PROFESSIONAL MIDWIFE FROM THE NORTH AMERICAN REGISTRY OF MIDWIVES OR HOLDS AN EQUIVALENT CREDENTIAL FROM ANOTHER ACCREDITED MIDWIFERY TRAINING PROGRAM APPROVED BY THE BOARD UNDER SECTION 16148.

(C) HE OR SHE SUCCESSFULLY PASSES AN EXAMINATION APPROVED BY THE DEPARTMENT IN CONSULTATION WITH THE BOARD. IF THE TRAINING PROGRAM DESCRIBED IN SUBDIVISION (B) INCLUDES AN EXAMINATION THAT MEETS THE REQUIREMENTS OF SECTION 16178(1), THE BOARD MAY ACCEPT PASSING OF THAT EXAMINATION AS MEETING THE REQUIREMENTS OF THIS SUBDIVISION.

SEC. 17117. (1) ON OR BEFORE THE EXPIRATION OF 24 MONTHS AFTER THE EFFECTIVE DATE OF THIS PART, THE DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE RULES TO DO ALL OF

1 THE FOLLOWING:

2 (A) ESTABLISH AND IMPLEMENT THE LICENSURE PROGRAM FOR THE
3 PRACTICE OF MIDWIFERY UNDER THIS PART.

4 (B) SUBJECT TO SECTION 16204, PRESCRIBE THE COMPLETION OF
5 CONTINUING EDUCATION FOR THE PRACTICE OF MIDWIFERY AS A CONDITION
6 FOR LICENSE RENEWAL.

7 (C) SUBJECT TO SUBSECTIONS (3) AND (4), DESCRIBE AND
8 REGULATE, LIMIT, OR PROHIBIT THE PERFORMANCE OF ACTS, TASKS, OR
9 FUNCTIONS BY MIDWIVES. THE DEPARTMENT SHALL INCLUDE RULES THAT
10 RECOGNIZE AND INCORPORATE THE REQUIREMENTS UNDER SECTION 17107
11 REGARDING THE REFERRAL TO AND CONSULTATION WITH APPROPRIATE
12 HEALTH PROFESSIONALS.

13 (D) FOR PURPOSES OF SECTION 17109, ESTABLISH THE PROCESS BY
14 WHICH INFORMED CONSENT IS OBTAINED.

15 (2) IN ADDITION TO THE AUTHORITY TO PROMULGATE RULES UNDER
16 SECTION 16145 AND SUBJECT TO THIS SECTION AND SECTION 16175, THE
17 DEPARTMENT, IN CONSULTATION WITH THE BOARD, MAY PROMULGATE RULES
18 TO SUPPLEMENT THE REQUIREMENTS FOR LICENSURE UNDER THIS PART,
19 INCLUDING THE ADOPTION OF UPDATED STANDARDS APPLICABLE TO THE
20 PRACTICE OF MIDWIFERY ESTABLISHED BY THE NORTH AMERICAN REGISTRY
21 OF MIDWIVES OR SUCCESSOR AGENCY.

22 (3) THE DEPARTMENT SHALL NOT PROMULGATE ANY RULES UNDER THIS
23 SECTION THAT LIMIT OR RESTRICT THE SCOPE OF THE PRACTICE OF
24 MIDWIFERY ESTABLISHED UNDER THIS ARTICLE.

25 (4) THE DEPARTMENT SHALL NOT PROMULGATE ANY RULES UNDER THIS
26 SECTION THAT LIMIT THE AUTHORITY OF A MIDWIFE TO ADMINISTER
27 PRESCRIPTION DRUGS OR MEDICATIONS UNDER SECTION 17111(2) OR

1 PROHIBIT THE ADMINISTRATION OF ANY OF THOSE DRUGS OR MEDICATIONS
2 BY A MIDWIFE.

3 SEC. 17119. (1) THE DEPARTMENT MAY GRANT A LICENSE UNDER
4 THIS PART TO A PERSON WHO IS LICENSED AS A MIDWIFE IN ANOTHER
5 STATE AT THE TIME OF APPLICATION IF THE APPLICANT PROVIDES
6 EVIDENCE SATISFACTORY TO THE BOARD AND THE DEPARTMENT THAT ALL OF
7 THE FOLLOWING ARE MET:

8 (A) THE APPLICANT MEETS THE REQUIREMENTS OF THIS PART AND
9 RULES PROMULGATED UNDER THIS PART FOR LICENSURE.

10 (B) THERE ARE NO PENDING DISCIPLINARY PROCEEDINGS AGAINST
11 THE APPLICANT BEFORE A SIMILAR LICENSING AGENCY OF THIS OR ANY
12 OTHER STATE OR COUNTRY.

13 (C) IF SANCTIONS HAVE BEEN IMPOSED AGAINST THE APPLICANT BY
14 A SIMILAR LICENSING AGENCY OF THIS OR ANY OTHER STATE OR COUNTRY
15 BASED UPON GROUNDS THAT ARE SUBSTANTIALLY SIMILAR TO THOSE UNDER
16 THIS ARTICLE, AS DETERMINED BY THE BOARD, THE SANCTIONS ARE NOT
17 IN FORCE AT THE TIME OF THE APPLICATION.

18 (D) THE OTHER STATE MAINTAINS LICENSURE STANDARDS EQUIVALENT
19 TO OR MORE STRINGENT THAN THOSE OF THIS STATE.

20 (2) THE BOARD MAY MAKE AN INDEPENDENT INQUIRY TO DETERMINE
21 WHETHER AN APPLICANT MEETS THE REQUIREMENTS DESCRIBED IN
22 SUBSECTION (1) (B) AND (C).

23 SEC. 17121. THIS PART DOES NOT REQUIRE NEW OR ADDITIONAL
24 THIRD PARTY REIMBURSEMENT OR MANDATED WORKER'S COMPENSATION
25 BENEFITS FOR SERVICES RENDERED BY AN INDIVIDUAL LICENSED UNDER
26 THIS PART.