

SENATE FILE NO. SF0141

Midwives licensure.

Sponsored by: Senator(s) Johnson, Scott and Vasey and
Representative(s) Brechtel and Mercer

A BILL

for

1 AN ACT relating to professions and occupations; creating a
2 board of midwifery; specifying membership; specifying
3 duties and powers; providing for licensure of midwives;
4 specifying requirements for licensure; providing
5 exceptions; granting rulemaking authority; providing
6 definitions; specifying grounds for denial, suspension or
7 revocation of license; providing for appeals; providing
8 penalties; and providing for effective dates.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 33-45-101 through 33-45-108 are
13 created to read:

14

15

CHAPTER 45

16

MIDWIVES LICENSURE ACT

1

2 **33-45-101. Short title.**

3

4 This act shall be known as and may be cited as the
5 "Midwives Licensure Act".

6

7 **33-45-102. Definitions.**

8

9 (a) As used in this act:

10

11 (i) "Board" means the board of midwifery;

12

13 (ii) "Midwife" means any person who provides
14 primary maternity care by affirmative act or conduct prior
15 to, during and subsequent to childbirth;

16

17 (iii) "Midwifery" or "practice of midwifery"
18 means providing primary maternity care that is consistent
19 with a midwife's training, education and experience to
20 women and their newborn children throughout the
21 childbearing cycle, and includes identifying and referring
22 women or their newborn children who require medical care to
23 an appropriate health professional;

24

1 (iv) "This act" means W.S. 33-45-101 through
2 33-45-108.

3

4 **33-45-103. Board of midwifery.**

5

6 (a) The board of midwifery is established. The board
7 shall regulate the practice of midwifery in the state to
8 ensure the safety of women and newborn children receiving
9 care from midwives.

10

11 (b) The board shall license as a midwife any person
12 who applies in the manner prescribed by the board in rules
13 and regulations and who:

14

15 (i) Pays the fees established by the board
16 pursuant to this act;

17

18 (ii) Has graduated from a midwifery education
19 program accredited by the midwifery education accreditation
20 council or other recognized and accepted accrediting
21 agency;

22

23 (iii) Has passed the written examination of the
24 North American registry of midwives, provided that the

1 board may by rule and regulation provide for a different
2 examination if necessary and may define the passing score
3 necessary for licensure under this act;

4

5 (iv) Has completed a practicum or course of
6 practical experience meeting the requirements established
7 by rule and regulation of the board;

8

9 (v) Has successfully completed a personal
10 interview with the board, if the board deems an interview
11 appropriate in general or in a specific case;

12

13 (vi) Has not provided materially false or
14 misleading information to the board;

15

16 (vii) Has not been convicted of a crime which in
17 the judgment of the board renders the person unfit to
18 practice midwifery.

19

20 (c) The board may by endorsement license any person
21 as a midwife who applies in the manner prescribed by the
22 board and who:

23

1 (i) Pays the fees established by the board
2 pursuant to this act;

3

4 (ii) Is currently licensed or certified by any
5 state with requirements at least as stringent as this state
6 and is in good standing in that state;

7

8 (iii) Has successfully completed a personal
9 interview with the board if the board deems an interview
10 appropriate in general or in a specific case;

11

12 (iv) Has not provided materially false or
13 misleading information to the board;

14

15 (v) Has not been convicted of a crime which in
16 the judgment of the board renders the person unfit to
17 practice midwifery.

18

19 (d) The period of licensure shall be two (2) years
20 and the board shall renew the license upon application,
21 payment of fees and completion of any required continuing
22 education, absent cause to take action pursuant to
23 subsection (e) of this section.

24

1 (e) The board may revoke, suspend or condition the
2 license of a midwife or require the midwife to practice for
3 a time under the supervision of a person licensed under the
4 Medical Practice Act, a certified nurse midwife or another
5 midwife as appropriate if the board finds the midwife has
6 committed any one (1) or more of the following:

7
8 (i) Been convicted of a crime which renders the
9 person unfit to practice midwifery;

10
11 (ii) Violated this act;

12
13 (iii) Abused or neglected women or newborns
14 under the midwife's care;

15
16 (iv) Failed to refer women or newborn children
17 in need of care or at risk of needing care beyond the
18 abilities of the midwife to an appropriate health care
19 professional;

20
21 (v) Provided a level or degree of care
22 indicating a need for additional training of the midwife or
23 additional professional supervision of the midwife.

24

1 (f) The board may authorize its chairman or executive
2 secretary, if any, to issue a provisional license allowing
3 any of the following:

4
5 (i) Any person eligible for licensure to
6 practice under the supervision of another midwife, a person
7 licensed under the Medical Practice Act or a certified
8 nurse midwife until the board has the opportunity to act on
9 the person's application for licensure;

10
11 (ii) Any person doing the practicum required
12 under this act to practice under the supervision of another
13 midwife, a certified nurse midwife or a person licensed
14 under the Medical Practice Act;

15
16 (iii) Any person licensed or certified in
17 another state with requirements at least as stringent as
18 this state to practice for not more than thirty (30) days
19 to provide education and instruction in midwifery or to act
20 as a locum tenens for a midwife license under this act.
21 The board may define by rule and regulation the number of
22 times during a year a provisional license pursuant to this
23 paragraph may be issued.

24

1 (g) Unless otherwise provided in this act, hearing
2 procedures shall be promulgated in accordance with, and a
3 person aggrieved by a decision of the board may take an
4 appeal pursuant to, the Wyoming Administrative Procedure
5 Act.

6

7 **33-45-104. Board membership and organization.**

8

9 (a) The board shall consist of five (5) members
10 appointed by the governor including two (2) midwives, one
11 (1) certified nurse midwife, one (1) registered nurse or
12 person licensed under the Medical Practice Act and one (1)
13 member of the public. For the first six (6) years of the
14 board's existence, the two (2) midwife positions may be
15 filled by women who have experienced the care of a midwife
16 rather than by midwives. After six (6) years, the nurse
17 midwife position may be filled by a midwife or a woman who
18 has experienced the care of a midwife.

19

20 (b) The initial appointments shall be for staggered
21 terms with two (2) members being appointed for two (2) year
22 terms, two (2) members being appointed for three (3) year
23 terms and one (1) member being appointed for a four (4)
24 year term. Thereafter, members shall be appointed for four

1 (4) year terms. The remainder of any term to which a
2 member is appointed to fill a vacancy shall not constitute
3 a term in determining a member's eligibility for
4 reappointment. Vacancies shall be filled in the same manner
5 as original appointments.

6
7 (c) The board shall elect a chairman and a vice
8 chairman from among its membership. A majority of the
9 board shall constitute a quorum. The meetings of the board
10 shall be held at the call of the chairman or whenever a
11 majority of the board members request and shall be held at
12 least three (3) times per year.

13
14 (d) The attorney general shall provide legal counsel
15 as necessary for the board and shall do so without charge
16 until July 1, 2010 to assist the board in its organization
17 and promulgation of initial rules. The department of
18 administration and information shall provide necessary
19 support and executive secretary services as needed for the
20 board and shall do so without charge until July 1, 2010.

21
22 (e) The board shall submit a budget for the 2010-2012
23 biennium and subsequent biennia through the normal budget
24 process.

1

2 **33-45-105. Prohibited acts and exceptions.**

3

4 (a) Unless licensed pursuant to this act, no person
5 shall practice midwifery or hold himself out to be a
6 midwife, a licensed midwife or a certified professional
7 midwife except that a certified nurse midwife may hold
8 himself out to be a midwife.

9

10 (b) The following are exempt from this act:

11

12 (i) Any person rendering aid to a woman
13 delivering a baby in the case of an emergency;

14

15 (ii) Any family member assisting a woman
16 delivering a baby;

17

18 (iii) Any person recommending or referring a
19 woman to medical care or a specific health care
20 practitioner;

21

22 (iv) Any person licensed under this act while
23 practicing within the scope of the license.

24

1 **33-45-106. Penalties.**

2

3 Any person violating any provision of this act is guilty of
4 a misdemeanor punishable by a fine of not more than one
5 thousand dollars (\$1,000.00), imprisonment for not more
6 than one (1) year, or both.

7

8 **33-45-107. Immunity.**

9

10 (a) No person other than the licensed midwife who
11 provided care to the patient shall be liable for the
12 midwife's negligent, grossly negligent or willful and
13 wanton acts or omissions. No hospital, person licensed
14 under the Medical Practice Act, nurse, prehospital
15 emergency medical personnel or any of their agents shall be
16 liable for care provided to a woman or newborn child
17 subsequent to care provided by a midwife whose care was
18 negligent, grossly negligent or willful and wanton in acts
19 or omissions. No person licensed under the Medical
20 Practice Act, nurse or hospital in which they practice
21 shall be liable for any failures of a midwife to meet any
22 standard of care for patients on which they provide
23 consultation to a midwife or accept a referral from the
24 midwife.

1

2 (b) The practice of midwifery in Wyoming prior to the
3 effective date of this act shall not constitute grounds for
4 the board to deny licensure to or to discipline any person
5 who otherwise qualifies for licensure under this act.

6

7 **33-45-108. Fees.**

8

9 The board shall establish fees as necessary to provide for
10 the administration of this act, including establishment of
11 a reasonable working capital contingency fund. The board
12 may establish fees for licensure, renewal of licenses, late
13 applications, provisional licensure and for having a baby
14 delivered by a midwife. The fee for having a baby
15 delivered by a midwife shall not exceed fifty dollars
16 (\$50.00) and shall be collected by the midwife and
17 forwarded to the board at the interval specified by board
18 rules and regulations. The fees shall be deposited and
19 managed in the same manner as other fees collected pursuant
20 to this act.

21

22 **Section 2.**

23

1 (a) Except as provided in subsection (b) of this
2 section, this act is effective July 1, 2009.

3

(b) W.S. 33-45-103(a) and 33-45-104 created by this act are effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution. The board of midwifery may immediately commence drafting and adoption of rules and regulations for the implementation of this act and may immediately accept applications for midwife licenses to be issued on or after July 1, 2009.

12

13 (END)