

CHAPTER 258
FORMERLY
HOUSE BILL NO. 315
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 16 AND 24 OF THE DELAWARE CODE RELATING TO MIDWIFERY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1799FF, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 1799FF Definitions.

As used in this subchapter:

(10) “Midwifery student” means a person who is enrolled in an accredited educational program and who may provide midwifery services as a part of that person’s educational program.

Section 2. Amend § 1799GG, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 1799GG Subchapter exemptions and limitations.

(a) Nothing in this subchapter shall limit, preclude, or otherwise interfere with the professional activities of other individuals and health-care providers who are allowed to practice obstetrics and gynecology, nor shall this subchapter apply to certified nurse midwives as defined by Chapter 19 of this title.

(b) Nothing in this subchapter shall prohibit or restrict the directly supervised practice of midwifery by a midwifery student pursuing a course of study leading to a credential in midwifery or an equivalent major, as recommended by the Council and approved by the Board, from an accredited school or program recommended by the Council and approved by the Board, if the activities and services constitute a part of a supervised course of study and if the midwifery student is under the direct supervision of a midwife licensed under this subchapter and is designated by a title that clearly indicates the person's status as a student, provided this course of study shall not exceed 5 years unless the Council recommends and the Board provides written approval for an extension.

Section 3. Amend § 1799HH(a), Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) The Board of Medical Licensure and Discipline shall form the Midwifery Advisory Council (Council) which consists of 7 voting members. The members shall consist of: 4 midwives, 2 CMs and 2 CPMs, whenever possible; 1 certified nurse midwife (CNM) as described in Chapter 19 of this title; 1 practicing obstetrician with hospital admitting privileges who is a member of the American Congress of Obstetricians and Gynecologists and certified by the American Board of Obstetrics and Gynecology; and 1 practicing pediatrician with hospital admitting privileges and certification from the American Board of Pediatrics. The inaugural midwife members shall be licensed pursuant to this subchapter no later than ~~July 1, 2016~~October 1, 2016, and all midwife members thereafter shall be licensed pursuant to this subchapter. The Council may elect officers as necessary. The Chair of the Council shall be a midwife in good standing. The members of the Council shall be compensated at an appropriate and reasonable level as determined by the Division of Professional Regulation and may be reimbursed for meeting-related travel expenses at the State's current approved rate.

Section 4. Amend § 1799HH, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(f) The Board shall grant limited prescriptive authority upon the issuance of a certified professional midwife license or certified midwife license. The Council shall recommend and the Board shall approve the parameters of the limited prescriptive authority in its regulations.

Section 5. Amend § 1799II(a), Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(a) To be eligible for licensure by the Board as a certified professional midwife, an applicant shall:

(1) Possess a valid CPM credential or another valid credential from an accrediting organization as recommended by the Council and approved by the Board; however; applicants who obtain the CPM credential

after December 31, 2019, are required to also have obtained an education accredited by the Midwifery Education and Accreditation Council (MEAC), or another midwifery education accreditation organization as recommended by the Council and approved by the Board, and training and education which meet the International Confederation of Midwives (ICM) standards and guidelines as applicable to the scope of midwives licensed under this subchapter;

(2) Be at least 21 years of age;

(3) Shall not have been assessed any administrative penalties regarding the applicant's practice of midwifery, including but not limited to fines, formal reprimands, license suspension or revocation — except for license suspension or revocation for nonpayment of license renewal fee or unlicensed practice penalties assessed prior to the establishment of the Council — and/or probationary limitations;

(4) Shall not have been convicted of or may not have admitted under oath to having committed a crime substantially related to the practice of midwifery or any felony or violent misdemeanor or crime involving dishonesty;

(5) Be a graduate of a high school or its equivalent;

(6) Meet minimum educational requirements as required for attainment of the CPM credential, including prepartum, prenatal, intrapartum, and postpartum care of the mother and baby, and risk assessment for the mother and baby during this period; ~~and~~

(7) Shall not have been convicted of a felony sexual offense-; and

(8) Shall have completed a course in pharmacology and intravenous therapy recommended by the Council and approved by the Board.

Section 6. Amend § 1799II(b), Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) To be eligible for licensure by the Board as a certified midwife, an applicant shall:

(1) Possess a valid CM credential, or another valid credential from an accrediting organization as recommended by the Council and approved by the Board;

(2) Be at least 21 years of age;

(3) Shall not have been assessed any administrative penalties regarding the applicant's practice of midwifery, including but not limited to fines, formal reprimands, license suspension or revocation — except for license suspension or revocation for nonpayment of license renewal fee or unlicensed practice penalties assessed prior to the establishment of the Council — and probationary limitations;

(4) Shall not have been convicted of or shall not have admitted under oath to having committed a crime substantially related to the practice of midwifery or any felony or violent misdemeanor or crime involving dishonesty;

(5) Be a graduate of a high school or its equivalent;

(6) Meet the minimum educational requirements as required for attainment of the CM credential including successful completion of a midwifery education program accredited by the Accreditation Commission for Midwifery Education (ACME) or meet the education standards approved by the International Confederation of Midwives (ICM); ~~and~~

(7) Shall not have been convicted of a felony sexual offense-; and

(8) Shall have completed a course in pharmacology and intravenous therapy recommended by the Council and approved by the Board.

Section 7. Amend § 122(3)(h), Title 16 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows and redesignating accordingly:

~~h. Control the practice of non-nurse midwives including the issuance of permits and protect~~ Protect and promote the health of all mothers and children;

Section 8. Amend § 107(e), Title 16 of the Delaware Code by making deletions as shown by strike through and additions as shown by underline as follows and redesignating accordingly:

~~(e) Notwithstanding the foregoing, whoever refuses, fails, or neglects to perform duties required under § 122(3)h. of this title related to non-nurse midwifery or fails to comply with the duly adopted regulations or orders of the Department regarding non-nurse midwifery shall be subject to the following:~~

~~(1) An administrative fine imposed by the Secretary of not less than \$1,000 nor more than \$10,000 per violation, together with costs pursuant to Department regulations and procedures;~~

~~(2) The Department may order that such person(s) cease and desist acts that violate the duly adopted regulations; and~~

~~(3) If an order issued pursuant to paragraph (e)(2) of this section is violated, such person shall be guilty of a class F felony, with a term of imprisonment not to exceed 3 years.~~

Section 9. This Act shall take effect upon its enactment into law, with the exception of Section 7 and Section 8, which shall take effect on October 1, 2016.

Approved June 09, 2016