

House Bill 910

By: Representatives Mathiak of the 73rd, Barr of the 103rd, Taylor of the 173rd, Ehrhart of the 36th, Williams of the 145th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 repeal in its entirety Chapter 26, relating to the practice of midwifery; to amend Title 43 of
3 the Official Code of Georgia Annotated, relating to professions and businesses, so as to
4 provide for the licensure and regulation of midwives; to provide for a short title; to provide
5 for legislative findings; to provide for definitions; to provide for the creation of the Advisory
6 Group for Licensed Midwives; to provide for its membership and duties; to provide for the
7 Secretary of State to consult with such advisory group; to provide for regulation by the
8 Secretary of State; to provide for licensure requirements; to prohibit certain actions without
9 licensure; to provide for written disclosures to clients; to authorize the filing of birth
10 certificates; to provide for violations; to provide for statutory construction; to amend Code
11 Section 43-26-12 of the Official Code of Georgia Annotated, relating to exceptions to the
12 operation of the "Georgia Registered Professional Nurse Practice Act," so as to provide for
13 an exception relating to the practice of midwifery; to provide for related matters; to provide
14 for an effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 style="text-align:center">**SECTION 1.**

17 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by
18 repealing in its entirety Chapter 26, relating to the practice of midwifery, and designating
19 said chapter as reserved.

20 style="text-align:center">**SECTION 2.**

21 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
22 is amended by adding a new chapter to read as follows:

23 "CHAPTER 24B

24 43-24B-1.

25 This chapter shall be known and may be cited as the 'Georgia Licensed Midwife Act.'

26 43-24B-2.

27 (a) The General Assembly finds that:

28 (1) Parents are entitled to freedom in choosing their provider and setting for childbirth;

29 (2) Some potential parents in this state desire alternatives to currently available hospital
30 based maternity care;

31 (3) Safe, planned out-of-hospital childbirth requires assistance by trained and competent
32 professionals;

33 (4) Certified professional midwives are specialists in out-of-hospital births;

34 (5) Numerous counties in this state are underserved by obstetricians;

35 (6) Licensed midwives can assist women and their families with safe and effective
36 childbirth while guiding the health, safety, and welfare of mothers and their offspring
37 through the childbearing year; and

38 (7) Regulating certified professional midwives promotes access to safe and effective
39 antepartum, intrapartum, and postpartum care.

40 (b) The General Assembly, therefore, declares it to be the purpose of this chapter to protect
41 the health, safety, and welfare of the public by providing for the licensure and regulation
42 of the activities of licensed midwives.

43 43-24B-3.

44 As used in this chapter, the term:

45 (1) 'Advisory group' means the Advisory Group for Licensed Midwives created pursuant
46 to Code Section 43-24B-4.

47 (2) 'Certified nurse midwife' means a midwife who has been certified by the American
48 Midwifery Certification Board or its successor and is licensed by the Georgia Board of
49 Nursing.

50 (3) 'Certified professional midwife' means a midwife who has been certified by the North
51 American Registry of Midwives or its successor organization.

52 (4) 'Consultation' means a communication between a licensed midwife and a physician,
53 a certified nurse midwife, or another licensed healthcare provider with expertise in
54 providing medical services to women during the prenatal, childbirth, and postpartum
55 periods when assessing a condition during such periods.

56 (5) 'Informed consent' means a written certification by the mother consenting to
57 procedures, protocols, and treatments or recommended diagnostic tests after full
58 disclosure of the current standard of care and its purpose, benefits, known risks,
59 contraindications, and associated risks, as well as any alternative options.

60 (6) 'Informed refusal' means a written certification by the mother that indicates that after
61 full disclosure of the current standard of care and its purpose, benefits, known risks,
62 contraindications, and associated risks, the mother declines specified procedures,
63 protocols, and treatments.

64 (7) 'License' means a license issued pursuant to this chapter to practice midwifery.

65 (8) 'Licensed midwife' means a midwife who has a license to practice midwifery
66 pursuant to this chapter.

67 (9) 'Midwifery' means assistance given, in exchange for compensation, to women during
68 the prenatal, childbirth, and postpartum periods, including well-woman screening and
69 education. Midwifery services may be provided in out-of-hospital settings, such as a
70 private home. Such services, which are provided within a network of relationships with
71 other maternity care providers who may provide consultation and collaboration when
72 needed, include:

73 (A) Providing care, education, counseling, and support to women and their families
74 throughout pregnancy, birth, and the postpartum period; identifying unique physical
75 social and emotional needs; recognizing abnormal or dangerous conditions requiring
76 the services of a healthcare provider such as a physician, physician assistant, or
77 advanced practice registered nurse and developing a plan for consultation and referral
78 when such conditions arise; and providing emergency care and support for mothers and
79 babies until additional assistance is available; and

80 (B) Ordering prenatal, postpartum, and well-woman laboratory analyses performed by
81 a licensed laboratory for screening purposes; ordering obstetric ultrasounds; obtaining
82 and administering antihemorrhagic agents including but not limited to Pitocin
83 (oxytocin), misoprostol and methergine, intravenous fluids for stabilization of the
84 laboring person, neonatal injectable vitamin K, newborn antibiotic eye prophylaxis,
85 oxygen, intravenous antibiotics for Group B Streptococcal antibiotic prophylaxis,
86 Rho(D) immune globulin, local anesthetic, epinephrine, and other drugs or supplies
87 approved by the Secretary; and administering a specific drug prescribed by a physician
88 or other authorized healthcare provider for a client of a licensed midwife.

89 (10) 'Office' means the office of the Secretary of State.

90 (11) 'Referral' means a request made by a licensed midwife to a physician or other
91 healthcare provider for an assessment of a mother or her offspring in order to determine
92 appropriate care.

- 93 (12) 'Secretary' means the Secretary of State or his or her designee.
- 94 43-24B-4.
- 95 (a) There is created within the office the Advisory Group for Licensed Midwives which
96 shall consist of six members.
- 97 (b) The Secretary shall appoint all members of the advisory group as follows:
- 98 (1) Three certified professional midwives;
- 99 (2) One consumer member who has firsthand experience with out-of-hospital birth and
100 who does not derive a substantial livelihood from the provision of services related to
101 prenatal, childbirth, or postpartum care;
- 102 (3) One certified nurse midwife; and
- 103 (4) One licensed physician who has firsthand experience with out-of-hospital births.
- 104 (c) Each member of the advisory group shall be a citizen of the United States. Members
105 of the advisory group may serve for any number of terms and may serve consecutive terms
106 at the will of the Secretary; provided, however, that no member shall serve more than two
107 consecutive terms.
- 108 (d) The members of the advisory group shall serve for staggered terms of three years each;
109 provided, however, that initial appointments shall be made as follows:
- 110 (1) One certified professional midwife and one certified nurse midwife for a term of
111 three years;
- 112 (2) One certified professional midwife and one licensed physician for a term of two
113 years; and
- 114 (3) One certified professional midwife and one consumer member for a term of one year.
- 115 (e) Any vacancy shall be filled in the same manner as the regular appointments. After the
116 initial appointments, all certified professional midwives appointed as members of the
117 advisory group shall be licensed midwives.
- 118 (f) The Secretary may remove members of the advisory group for incompetence, neglect
119 of duty, unprofessional conduct, conviction of any felony, failure to meet the qualifications
120 of this chapter, or committing any act prohibited by this chapter.
- 121 (g) Each member of the advisory group shall serve without compensation.
- 122 (h) The advisory group shall elect a chairperson from among its membership, and may
123 elect other officers at the discretion of the advisory group, who shall each serve for one
124 year.
- 125 (i) The advisory group shall meet at least once per year or as otherwise called by the
126 Secretary.

127 43-24B-5.

128 (a) The Secretary shall seek the advice of the advisory group regarding the establishment
129 of rules and regulations and the implementation of requirements relating to licensure,
130 license renewal, discipline, continuing education, and other issues related to the practice
131 of midwifery in accordance with this chapter.

132 (b) The Secretary shall consult with the advisory group prior to setting or changing fees
133 as provided for in this chapter.

134 (c) The advisory group may act as a facilitator of state-wide dissemination of information
135 concerning professional midwifery services.

136 (d) The advisory group shall provide analysis of disciplinary actions taken, appeals and
137 denials, and revocation of licenses at least once per year.

138 43-24B-6.

139 With respect to the enforcement of this chapter, the Secretary shall retain all powers and
140 duties and may perform all functions of licensing boards as provided in Chapter 1 of this
141 title, including, but not limited to, the power to refuse to grant a license, revoke a license,
142 or discipline a licensee pursuant to Code Section 43-1-19.

143 43-24B-7.

144 (a) The Secretary may grant a license without examination, upon submission of a
145 completed application on a form and in such manner as the Secretary prescribes, and
146 accompanied by applicable fees, to a person who:

147 (1) Is at least 18 years of age at the time of application;

148 (2) Holds a current national certification as a certified professional midwife, including
149 having passed the examination required for certification;

150 (3)(A) Has successfully completed a formal midwifery education and training program
151 accredited by the Midwifery Education Accreditation Council (MEAC); or

152 (B) For persons who were certified as certified professional midwives prior to
153 January 1, 2020, has completed nonaccredited education pathways and obtained the
154 Midwifery Bridge Certificate from the North American Registry of Midwives
155 (NARM);

156 (4) Has satisfactory results from a criminal background check report conducted by the
157 Georgia Crime Information Center and the Federal Bureau of Investigation, as
158 determined by the advisory group. Application for a license under this Code section shall
159 constitute express consent and authorization for the advisory group to perform such
160 criminal background check. Each applicant who submits an application for licensure
161 agrees to provide the advisory group with all information necessary to run such criminal

162 background check, including, but not limited to, classifiable sets of fingerprints. The
163 applicant shall be responsible for all fees associated with the performance of such
164 background check; and

165 (5) Has completed such other requirements as may be prescribed by the Secretary.

166 (b) Applicants for licensure who are licensed in another state or jurisdiction that has
167 requirements for licensure that either meet or exceed the requirements of this chapter for
168 licensure may be granted a license by the Secretary.

169 43-24B-8.

170 (a) After evaluation of an application and other evidence submitted, the Secretary shall
171 notify each applicant that such application and evidence submitted are satisfactory and
172 accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for
173 the rejection.

174 (b) The Secretary is authorized to require that the practice of midwifery by licensed
175 midwives in this state be consistent with the Job Analysis of the North American Registry
176 of Midwives (NARM) or its successor organization and with the standards of practice of
177 the National Association of Certified Professional Midwives or another national midwifery
178 organization approved by the Secretary.

179 43-24B-9.

180 (a) A license issued by the Secretary is the property of the Secretary and must be
181 surrendered on demand.

182 (b) The licensee shall display the license in an appropriate and public manner.

183 (c) The licensee shall inform the Secretary and advisory group of any change of address.

184 (d) The license may be renewed biennially if the licensee is not in violation of this chapter
185 at the time of application for renewal and has completed continuing education requirements
186 established by the Secretary.

187 (e) Each person licensed under this chapter is responsible for renewing his or her license
188 before the expiration date.

189 (f) Under procedures and conditions established by the Secretary, a licensee may request
190 that his or her license be declared inactive. The licensee may apply for active status at any
191 time, and upon meeting the conditions set by the Secretary, such license shall be declared
192 active.

193 43-24B-10.

194 On and after January 1, 2021, any person who practices midwifery, uses the title 'licensed
195 midwife' or the abbreviation 'L.M.', or holds himself or herself out to the public as a
196 licensed midwife shall be required to be licensed pursuant to this chapter.

197 43-24B-11.

198 (a) Before providing midwifery services to a client, a licensed midwife shall provide, in
199 a language that is understandable to the client, a written disclosure containing:

200 (1) The midwife's name, address, telephone number, and license number;

201 (2) Relevant information about the licensed midwife's training, qualifications, expertise,
202 and disciplinary sanctions, if any;

203 (3) The midwife's fees and method of billing;

204 (4) The relevant state laws and regulations pertaining to the practice of midwifery;

205 (5) The method by which a client may file a complaint with the Secretary and advisory
206 group;

207 (6) Whether the licensed midwife has liability insurance; and

208 (7) Any other relevant information required by the Secretary.

209 (b) A licensed midwife shall obtain a signed informed consent or an informed refusal in
210 a language that is understandable to the client; provided, however, that in cases of an
211 emergency which endangers the health of the mother or child, the licensed midwife shall
212 not be required to obtain an informed refusal.

213 (c) Written disclosures, written informed consents, and written informed refusals shall be
214 signed by the client and retained by the licensed midwife for at least six years.

215 43-24B-12.

216 (a) A licensed midwife shall be authorized to file a birth certificate for each birth in
217 accordance with the laws of this state.

218 (b) A licensed midwife shall:

219 (1) Provide clients with access to written plans for consultation, referral, and transport;

220 (2) Provide clients with access to practice guidelines as may be required by the
221 Secretary; and

222 (3) Notify clients about relevant state governmental requirements affecting newborns.

223 43-24B-13.

224 Any person who violates this chapter shall be guilty of a misdemeanor, and a license held
225 by any person convicted under this Code section shall be forfeited and revoked upon the
226 Secretary receiving notice of such conviction.

227 43-24B-14.

228 Nothing in this chapter shall be construed to prevent:

229 (1) Any licensed healthcare professional from engaging in the authorized scope of
 230 practice of his or her profession;

231 (2) Members of a pregnant woman's family from providing incidental care;

232 (3) Representatives of a pregnant woman's culture or religion from providing care
 233 consistent with tenets or practices relying on spiritual care of the physical body; or

234 (4) Precepted apprentices, student midwives, and midwifery assistants from providing
 235 midwifery services under the supervision and in the physical presence of a licensed
 236 midwife."

237 **SECTION 3.**

238 Code Section 43-26-12 of the Official Code of Georgia Annotated, relating to exceptions to
 239 the operation of the "Georgia Registered Professional Nurse Practice Act," is amended in
 240 subsection (a) by deleting "and" at the end of paragraph (9), by replacing the period at the
 241 end of paragraph (10) with "; and", and by adding a new paragraph to read as follows:

242 "(11) The practice of midwifery by a licensed midwife pursuant to Chapter 24B of this
 243 title."

244 **SECTION 4.**

245 This Act shall become effective upon its approval by the Governor or upon its becoming law
 246 without such approval.

247 **SECTION 5.**

248 All laws and parts of laws in conflict with this Act are repealed.