

Senate Bill 258

By: Senator James of the 28th

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 establish the Access to Midwife-led Birth Centers Grant Program; to repeal provisions
3 relating to the practice of midwifery; to amend Title 43 of the Official Code of Georgia
4 Annotated, relating to professions and businesses, so as to provide for the licensure and
5 regulation of midwives; to provide for a grant program promoting midwife-led birth centers;
6 to provide for an application process for the grant program; to provide for procedures for
7 administering the grant program; to provide for eligibility to receive funds under the
8 program; to provide for requirements of how the funds are to be spent; to provide for audits
9 of the grant program; to provide for reporting to the General Assembly; to provide for a short
10 title; to provide for legislative findings; to provide for definitions; to provide for the creation
11 of the Advisory Board for Licensed Midwives; to provide for its membership and duties; to
12 provide for licensure requirements; to provide for the issuance, renewal, and revocation of
13 licenses; to require written disclosures to clients; to provide for authorized acts and duties of
14 licensed midwives; to provide for statutory construction; to provide for nuisances; to provide
15 for related matters; to provide for an effective date; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

S. B. 258

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18

SECTION 1.

19 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in Chapter
20 2A, relating to the Department of Public Health, by adding a new article to read as follows:

21

"ARTICLE 422 31-2A-60.23 As used in this article, the term:24 (1) 'Client' means a person seeking or receiving prenatal, intrapartum, and postpartum
25 maternal care.26 (2) 'Contract management agency' or 'agency' means a nongovernmental organization
27 whose mission and practice is to provide access to birth centers and prenatal, intrapartum,
28 and postpartum maternal care.29 (3) 'Direct client service provider' or 'provider' means an organization with a contractual
30 relationship with the contract management agency and that provides access to birth
31 centers and prenatal, intrapartum, and postpartum maternal care.32 (4) 'Program' means the Access to Midwife-led Birth Centers Grant Program established
33 by this article.34 31-2A-61.35 There is established within the department the Access to Midwife-led Birth Centers Grant
36 Program. The purpose of the program shall be to develop a state-wide effort that promotes
37 access to midwife-led birth centers by awarding grants to organizations that operate birth
38 centers and provide prenatal, intrapartum, and postpartum maternal care.

39 31-2A-62.

40 (a) The department shall oversee the program and is authorized to contract with a contract
41 management agency to administer the program.

42 (b) The contract management agency selected by the department shall meet the definition
43 of a contract management agency as defined in paragraph (3) of Code Section 31-2A-60
44 and shall:

45 (1) Create a grant application process;

46 (2) Evaluate grant applications and make recommendations to the department;

47 (3) Communicate acceptance or denial of grant applications to direct client service
48 providers;

49 (4) Monitor compliance with the terms and conditions of the grant;

50 (5) Maintain records for each grant applicant and award; and

51 (6) Coordinate activities and correspondence between the department and direct client
52 service providers.

53 31-2A-63.

54 The services which shall be funded by the program include:

55 (1) Medical care and information, including but not limited to pregnancy tests; sexually
56 transmitted disease tests; other health screenings; ultrasound services; prenatal,
57 intrapartum, and postpartum maternal care; and birth classes and planning;

58 (2) Nutritional services and education;

59 (3) Housing, education, and employment assistance during pregnancy and up to one year
60 following a birth;

61 (4) Child care assistance if necessary for the client to receive pregnancy support services;

62 (5) Material items which are supportive of pregnancy and childbirth, including but not
63 limited to cribs, car seats, clothing, formula, or other safety devices;

64 (6) Information regarding healthcare benefits, including but not limited to available
65 Medicaid coverage for the client for pregnancy care that provides health coverage for the
66 client's child upon his or her birth;

67 (7) Postpartum care for a period of one year following a birth, miscarriage, stillbirth, or
68 neonatal death. Such care shall include physiological assessments, mental health
69 evaluations, nutritional evaluations, and guidance on personal and newborn care. Such
70 care shall include:

71 (A) At least four visits to a birth center as follows:

72 (i) An initial visit within 24 hours of a birth, miscarriage, stillbirth, or neonatal death;

73 (ii) A follow-up visit within the first three weeks postpartum;

74 (iii) A follow-up visit within the first eight weeks postpartum; and

75 (iv) A comprehensive visit no later than 12 weeks postpartum; and

76 (B) Intermediary and ongoing care as needed; and

77 (8) Establishing new birth centers.

78 31-2A-64.

79 (a) Grants shall be awarded annually on a competitive basis to direct client service
80 providers that display competent experience in providing any of the services included in
81 Code Section 31-2A-63 pursuant to guidelines and criteria established pursuant to this
82 article and where such services are provided by midwives. Grants shall also be awarded
83 on a competitive basis to direct client service providers that establish new birth centers in
84 counties where none previously existed.

85 (b) The department shall, with input from the agency, determine the maximum grant
86 amount to be awarded to each direct client service provider, and such grant amount shall
87 not exceed 85 percent of the annual revenue for the prior year of any provider or 85 percent
88 of the cost of building a new birth center.

89 (c) The grant agreement entered into between the agency and a direct client service
90 provider shall stipulate that the grant shall be used to provide any or all pregnancy support
91 services at the discretion of the provider pursuant to Code Section 31-2A-63 or to fund the
92 construction of a new birth center.

93 31-2A-65.

94 (a) In order to be considered for a grant under this article, each direct client service
95 provider shall:

96 (1) Have a primary mission of promoting healthy pregnancies and midwife-led birth
97 centers;

98 (2) Have a system of financial accountability consistent with generally accepted
99 accounting principles, including an annual budget;

100 (3) Have a board that hires and supervises a director who manages the organization's
101 operations;

102 (4) Have provided midwife-led prenatal, intrapartum, and postpartum maternal care
103 services for a minimum of one year;

104 (5) Offer, at a minimum, pregnancy tests and counseling for women who are or may be
105 experiencing unplanned pregnancies;

106 (6) Provide confidential and free pregnancy support services;

107 (7) Have a proposal to build a birth center in a county which does not currently have one;
108 and

109 (8) Maintain confidentiality of all data, files, and records of clients related to the services
110 provided and in compliance with state and federal laws.

111 (b) The department shall publish the direct client service provider criteria on its website.

112 31-2A-66.

113 Each direct client service provider shall maintain accurate records and report data annually
114 on forms and in the manner required by the department. Each provider may be required
115 to provide additional information and data at the discretion of the department.

116 31-2A-67.

117 Confidentiality of all data, files, and records of clients related to the services provided
118 under this article shall be maintained by the department, contract management agency, and
119 direct client service provider pursuant to federal and state laws related to privacy of
120 medical records, including requirements under the federal Health Insurance Portability and
121 Accountability Act of 1996, P.L. 104-191.

122 31-2A-68.

123 The agency shall conduct an annual audit of each direct client service provider by an
124 independent certified public accountant within 120 days of the completion of its fiscal year
125 verifying that it has complied with all requirements of this article and any other
126 requirements of the department.

127 31-2A-69.

128 (a) The department shall annually report to the General Assembly on its use of funds
129 appropriated to the department pursuant to this article.

130 (b) The department shall also provide an annual report no later than September 30 of each
131 year beginning September 30, 2026, which shall provide the following information for the
132 immediately preceding fiscal year:

133 (1) The amount of any contributions or other funding received;

134 (2) The total amount of expenses; and

135 (3) The amount of funds disbursed through the agency to direct client service providers.

136 (c) The reports required by this Code section shall be made available to the public free of
137 charge by electronic means and in such other manner as the department deems appropriate.

138 31-2A-70.

139 The department is authorized to accept donations, contributions, and gifts and receive,
140 hold, and use grants, devises, and bequests of real, personal, and mixed property on behalf
141 of the state to enable the department to carry out the functions and purposes of this article."

142 **SECTION 2.**

143 Said title is further amended by repealing in its entirety Chapter 26, relating to the practice
144 of midwifery, and designating said chapter as reserved.

145 **SECTION 3.**

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

148 "CHAPTER 24B

149 43-24B-1.

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

151 43-24B-2.

152 The General Assembly finds that:

153 (1) Childbirth is the culmination of pregnancy and is a natural process, not a disease;

154 (2) Regulating the practice of midwifery promotes access to safe and effective prenatal,
155 childbirth, and postpartum care, providing for the health, safety, and welfare of mothers
156 and their newborns;

- 157 (3) Midwifery has always been a highly valued part of life in this state;
158 (4) Parents are entitled to freedom in choosing their provider and setting for childbirth;
159 (5) Potential parents in this state desire alternatives to currently available hospital based
160 maternity care;
161 (6) Costs of out-of-hospital childbirth tend to be lower than in-hospital childbirth;
162 (7) Planned out-of-hospital childbirth is safer when assisted by trained midwives;
163 (8) Midwives can assist women and their families with safe and effective childbirth
164 while guiding the health, safety, and welfare of mothers and their newborns through the
165 childbearing year;
166 (9) Certified professional midwives are specialists in out-of-hospital births;
167 (10) Many parts of this state currently experience a crisis in access to safe and effective
168 care for mothers and their newborns during the prenatal, childbirth, and postpartum
169 periods;
170 (11) Numerous counties in this state are underserved by obstetricians;
171 (12) Improved access to midwives in all settings is associated with significantly higher
172 rates of spontaneous vaginal delivery, vaginal birth after cesarean delivery, and
173 breastfeeding at birth and at six months and significantly lower rates of cesarean section,
174 preterm birth, and low birth weight infants;
175 (13) Midwifery care improves pregnancy outcomes for both low-risk and high-risk
176 women in underserved rural and urban communities;
177 (14) Lack of access to licensed midwives compels families to have unattended
178 out-of-hospital births or travel long distances to get care; and
179 (15) For healthy women, midwife assisted childbirth in out-of-hospital settings has lower
180 maternity and infant morbidity rates than in-hospital childbirth.

181 43-24B-3.

182 As used in this chapter, the term:

- 183 (1) 'Advisory board' means the Advisory Board for Licensed Midwives established
184 pursuant to Code Section 43-24B-4.
- 185 (2) 'Certified nurse midwife' means a midwife who has been certified by the American
186 Midwifery Certification Board or its successor organization and is licensed by the
187 Georgia Board of Nursing.
- 188 (3) 'Certified professional midwife' means a midwife who has been certified by the North
189 American Registry of Midwives or its successor organization.
- 190 (4) 'Consultation' means a communication between a midwife and another healthcare
191 professional when assessing a condition during the prenatal, childbirth, or postpartum
192 periods.
- 193 (5) 'Informed consent' means a verbal or written agreement from a client to consent to
194 procedures, protocols, and treatments or recommended diagnostic tests after full
195 disclosure of the current standard of care and its purpose, benefits, known risks,
196 contraindications, and associated risks, as well as any alternative options.
- 197 (6) 'Informed refusal' means a verbal or written agreement from a client indicating that,
198 after full disclosure of the current standard of care and its purpose, benefits, known risks,
199 contraindications, and risks associated with its refusal, the client has the legal authority
200 in all but the rarest of emergency circumstances to decline procedures, protocols,
201 treatments, or diagnostic tests that such client finds unacceptable for any reason.
- 202 (7) 'License' means a license issued pursuant to this chapter to practice midwifery.
- 203 (8) 'Licensed midwife' means a midwife who has a license to practice midwifery in this
204 state pursuant to this chapter, including certified nurse midwives and certified
205 professional midwives.
- 206 (9) 'Midwifery' means the assistance given to women during the prenatal, childbirth, and
207 postpartum periods, including wellness screening and education.
- 208 (10) 'Midwifery assistant' means any person working under the supervision of a licensed
209 midwife as defined in this chapter.

210 (11) 'Out-of-hospital birth' means a birth that occurs at home or at a birth center.

211 (12) 'Referral' means a request made by a midwife to a physician or other healthcare
212 professional for an assessment of a client or newborn in order to determine appropriate
213 care.

214 43-24B-4.

215 (a) There is created within the division the Advisory Board for Licensed Midwives which
216 shall consist of six members appointed by the Governor as follows:

217 (1) Three certified professional midwives;

218 (2) One consumer member who has firsthand experience with out-of-hospital births and
219 who does not derive a substantial livelihood from the provision of any services related
220 to prenatal, childbirth, or postpartum care;

221 (3) One certified nurse midwife; and

222 (4) One licensed physician who has firsthand experience with out-of-hospital births.

223 (b) Each member of the advisory board shall be a citizen of the United States and shall
224 have been a resident of Georgia for at least five years immediately preceding appointment.

225 Members of the advisory board may serve for unlimited terms, except that no member may
226 serve more than two consecutive terms.

227 (c) The members of the advisory board shall serve for staggered terms of three years each;
228 provided, however, that initial appointments shall be made as follows:

229 (1) One certified professional midwife and one certified nurse midwife for a term of
230 three years;

231 (2) One certified professional midwife and one licensed physician for a term of two
232 years; and

233 (3) One certified professional midwife and one consumer member for a term of one year.

234 (d) Each member of the advisory board shall receive the expense allowance as provided
235 by subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of

236 a personal car as that received by other state officials and employees or a travel allowance
237 of actual transportation cost if traveling by public carrier within this state. Each advisory
238 board member shall also be reimbursed for any conference or meeting registration fee
239 incurred in the performance of his or her duties as an advisory board member. For each
240 day's service outside of the state as an advisory board member, such member shall receive
241 actual expenses as an expense allowance as well as the mileage allowance for the use of
242 a personal car equal to that received by other state officials and employees or a travel
243 allowance of actual transportation cost if traveling by public carrier or by rental motor
244 vehicle. Expense vouchers submitted by advisory board members are subject to the
245 approval of the chairperson. Out-of-state travel by advisory board members must be
246 approved by the advisory board chairperson.

247 (e) Any vacancy on the advisory board shall be filled in the same manner as the regular
248 appointments. The Governor may remove members of the advisory board for
249 incompetence, neglect of duty, unprofessional conduct, conviction of any felony, failure
250 to meet the qualifications of this chapter, or committing any act prohibited by this chapter.

251 (f) The advisory board shall elect a chairperson from among its membership and may elect
252 other officers at the discretion of the advisory board, who shall each serve for one year.

253 (g) The advisory board shall meet at least once per year or as otherwise called by the
254 chairperson.

255 43-24B-5.

256 No person shall identify himself or herself as a licensed midwife in this state unless
257 licensed as such pursuant to this chapter. On and after July 1, 2025, no person without a
258 license issued pursuant to this chapter shall use the title 'licensed midwife' or the
259 abbreviation 'L.M.'

260 43-24B-6.

261 Each applicant for a license under this chapter shall be at least 18 years of age, shall have
262 submitted a completed application upon a form and in such manner as the advisory board
263 prescribes, accompanied by applicable fees, and shall meet the following requirements:

264 (1) Possessing:

265 (A) A national certification by the North American Registry of Midwives as a certified
266 professional midwife; or

267 (B) A national certification recognized by the advisory board and substantially
268 equivalent to the North American Registry of Midwives for certified professional
269 midwives;

270 (2) Having completed:

271 (A) An educational program or pathway accredited by the Midwifery Education
272 Accreditation Council and obtained the certified professional midwife credential; or

273 (B) An educational pathway not accredited by the Midwifery Education Accreditation
274 Council and:

275 (i) Possessing the Midwifery Bridge Certificate issued by the North American
276 Registry of Midwives; or

277 (ii) For certified professional midwives who have maintained licensure in a state that
278 does not require completion of an educational program or pathway accredited by the
279 Midwifery Education Accreditation Council, obtaining the Midwifery Bridge
280 Certificate regardless of the date of such certification;

281 (3) Having satisfactory results from a criminal background check report conducted by
282 the Georgia Crime Information Center and the Federal Bureau of Investigation, as
283 determined by the advisory board. Application for a license under this chapter shall
284 constitute express consent and authorization for the advisory board to perform such
285 criminal background check. Each applicant who submits an application for licensure
286 agrees to provide the advisory board with any and all information necessary to run such

287 criminal background check, including, but not limited to, classifiable sets of fingerprints.
288 The applicant shall be responsible for all fees associated with the performance of such
289 background check; and
290 (4) Completing such other requirements as may be prescribed by the advisory board.

291 43-24B-7.

292 After evaluation of an application and other evidence submitted, the advisory board shall
293 notify each applicant that such application and evidence submitted are satisfactory and
294 accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for
295 the rejection.

296 43-24B-8.

297 (a) A license issued by the advisory board is the property of the advisory board and must
298 be surrendered on demand.

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

300 (c) The licensee shall inform the advisory board of any change of address.

301 (d) The license shall be renewed biennially if the licensee is not in violation of this chapter
302 at the time of application for renewal.

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

305 (f) Under procedures and conditions established by the advisory board, a licensee may
306 request that his or her license be declared inactive. The licensee may apply for active status
307 at any time, and upon meeting the conditions set by the advisory board, such license shall
308 be declared active.

309 43-24B-9.

310 (a) The advisory board may revoke, suspend, deny, or refuse to issue or renew a license;
311 place a licensee on probation; or issue a letter of admonition upon proof that the licensee
312 or applicant has:

313 (1) Procured or attempted to procure a license by fraud, deceit, misrepresentation,
314 misleading omission, or material misstatement of fact;

315 (2) Been convicted of a felony or of any crime involving moral turpitude as provided
316 under state law;

317 (3) Willfully or negligently acted in a manner inconsistent with the health or safety of
318 persons under such licensee's care;

319 (4) Had a license to practice a business or profession suspended or revoked or has
320 otherwise been subject to discipline related to such licensee's practice of a business or
321 profession in any other jurisdiction;

322 (5) Committed a fraudulent act that materially affects the fitness of the licensee or
323 applicant to practice a business or profession;

324 (6) Excessively or habitually used alcohol or drugs, provided that the advisory board
325 shall not discipline a licensee under this paragraph if such licensee is enrolled in a
326 substance abuse program approved by the advisory board; or

327 (7) A physical or mental disability that renders such licensee incapable of safely
328 practicing midwifery.

329 (b) The advisory board is authorized to conduct investigations into allegations of conduct
330 described in subsection (a) of this Code section.

331 (c) In addition to revoking, suspending, denying, or refusing to renew a license, the
332 advisory board may fine a licensee found to have violated any provision of this chapter or
333 any rule adopted by the advisory board under this chapter in an amount not less than
334 \$100.00 nor more than \$500.00 for each such violation.

335 (d) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
336 shall be applicable to the advisory board and the provisions of this chapter.

337 (e) Any person may file a complaint with the advisory board with respect to a licensed
338 midwife.

339 43-24B-10.

340 (a) Before performing midwifery services, a licensed midwife shall provide, in a language
341 that is understandable to the client, a written disclosure containing:

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

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

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

346 (4) The relevant state laws and regulations pertaining to the practice of midwifery in this
347 state;

348 (5) The method by which a client may file a complaint with the advisory board;

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

350 (7) Any other relevant information required by the advisory board.

351 (b) A licensed midwife shall obtain a signed written informed consent or informed refusal
352 in a language that is understandable to the client.

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

355 43-24B-11.

356 (a) A licensed midwife shall be authorized to:

357 (1) Order prenatal, postpartum, and wellness laboratory analyses to be performed by a
358 licensed laboratory for screening purposes;

359 (2) Order obstetric ultrasounds;

360 (3) Administer prescription drugs prescribed by a licensed physician or other authorized
361 healthcare professional; and

362 (4) Precept apprentices and student midwives and supervise midwifery assistants,
363 provided that apprentices, student midwives, and midwifery assistants work only under
364 the direction of the licensed midwife.

365 (b) A licensed midwife shall:

366 (1) Provide midwifery services consistent with the job analysis of the North American
367 Registry of Midwives or its successor organization and consistent with the standards of
368 practice of the National Association of Certified Professional Midwives or another
369 national midwifery organization approved by the advisory board;

370 (2) Keep current with continuing education consistent with standards established by a
371 national organization recognized by the advisory board;

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

373 (4) Provide clients with access to practice guidelines as required by the midwife's
374 certifying organization;

375 (5) Notify clients about relevant state governmental requirements affecting newborns;

376 (6) File a birth certificate for each birth in accordance with the laws of this state; and

377 (7) Purchase, possess, carry, or administer prescription supplies, including intravenous
378 bags for fluid replenishment, Rho(D) immunoglobulin, vitamin K for administering orally
379 or through intramuscular injection, postpartum antihemorrhagic agents, local anesthetics
380 for suturing childbirth related lacerations or episiotomies, oxygen, prophylactic eye
381 agents for newborns, and other prescription medications or restricted medical items
382 approved by the advisory board.

383 43-24B-12.

384 A licensed midwife shall not practice midwifery when:

385 (1) Impaired due to any physical, mental, or substance abuse related problem; or

386 (2) Circumstances reasonably make the practice of midwifery by the licensed midwife
387 amount to reckless disregard for a client's health, safety, or welfare.

388 43-24B-13.

389 A licensed midwife may terminate services to a client for any reason, provided that the
390 client has reasonable access to other professional care.

391 43-24B-14.

392 A licensed midwife may seek discretionary consultation with a licensed physician or
393 certified nurse midwife and such physician or certified nurse midwife shall not be held
394 liable for any acts or omissions on the part of such licensed midwife, unless such physician
395 or certified nurse midwife directly contributes to acts or omissions of such licensed
396 midwife involving reckless disregard for the health, safety, or welfare of a client or
397 newborn.

398 43-24B-15.

399 (a) Nothing in this chapter shall be construed to affect or prevent:

400 (1) Any licensed healthcare professionals from engaging in the authorized scope of
401 practice of their profession;

402 (2) Members of a client's family from providing incidental care;

403 (3) Representatives of a client's culture or religion from providing care consistent with
404 tenets or practices relying on spiritual care of the physical body;

405 (4) Care providers from acting under the orders or direction of licensed healthcare
406 professionals; or

407 (5) Anyone providing incidental support or information to a pregnant woman.

408 (b) Midwifery shall not constitute the practice of medicine in this state.

409 (c) Nothing in this chapter shall be construed to change the regulation of physicians as
410 provided for in the laws of this state.

411 43-24B-16.

412 Any health insurance policy, health maintenance organization plan, or other form of health
413 insurance coverage, including Medicaid, that covers maternity care shall not deny coverage
414 for maternity care provided by a licensed midwife in any setting and shall reimburse
415 maternity care by a licensed midwife at the same rate as for other providers of maternity
416 care covered by the insurance policy.

417 43-24B-17.

418 Any violation of this chapter or any rules and regulations adopted pursuant to this chapter
419 is declared to be a public nuisance subject to abatement as provided in Code
420 Section 31-5-9."

421 **SECTION 4.**

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

424 **SECTION 5.**

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