

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

H

1

HOUSE BILL 1077

Short Title: Certified Professional Midwives.

(Public)

---

Sponsors: Representatives Hunter; Adams, McAllister (Primary Sponsors), Clary, Gibson, Gardner, and Sherrill.

---

Referred to: Finance.

---

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE PRACTICE OF MIDWIFERY BY CERTIFIED PROFESSIONAL MIDWIVES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 90 of the General Statutes is amended by adding a new Article to read:

**“ARTICLE 10B.**

**“CERTIFIED PROFESSIONAL MIDWIVES.**

**“§ 90-178.17. Legislative findings.**

The General Assembly finds that certified professional midwives should be allowed to practice in this State because (i) access to prenatal care and delivery services is limited by the inadequate number of providers; (ii) women should have the freedom to choose the manner, setting, and cost of giving birth; and (iii) it is in the best interest of women in this State to remove obstacles to responsible out-of-hospital deliveries and to encourage cooperation and consultation between licensed health care professionals and certified professional midwives.

**“§ 90-178.18. Definitions.**

The following definitions apply in this Article:

- 1           (1) Approval. – Authorization from the North Carolina Supervisory Council  
2 of Certified Professional Midwives to practice midwifery in this State.  
3           (2) Council. – The North Carolina Supervisory Council of Certified  
4 Professional Midwives.  
5           (3) Certified Professional Midwife (CPM). – A person who has been  
6 certified by the North American Registry of Midwives (NARM) after  
7 having demonstrated his or her qualifications through the application  
8 process, written examination, and a skills assessment.  
9           (4) Intrapartum care. – The term includes assisting women during  
10 uncomplicated labor; assisting with the spontaneous delivery of infants  
11 in vertex presentation from 37 to 42 weeks gestation; performing  
12 amniotomy; and performing emergency episiotomies and repairing  
13 lacerations with the use of local anesthesia, as needed.  
14           (5) Midwifery. – The provision of prenatal, intrapartum, and postpartum  
15 care for women experiencing normal pregnancies and newborn care for  
16 their infants.  
17           (6) Newborn care. – The term includes providing routine assistance to  
18 newborns to establish respiration, including the use of oxygen if needed,  
19 and maintaining thermal stability; routine physical assessment including  
20 APGAR scoring; and eye prophylaxis for ophthalmia neonatorum.  
21           (7) Postpartum care. – The term includes the management of the normal  
22 third stage of labor; repair of first and second degree lacerations  
23 resulting from childbirth; administration of oxytocic drugs after delivery  
24 if an emergency situation exists; and the performance of evaluation  
25 examinations in the days and weeks following delivery.  
26           (8) Prenatal care. – The term includes obtaining historical and physical  
27 assessments of pregnant women; obtaining and assessing the results of  
28 routine laboratory tests; and supervising the use of prenatal vitamins,  
29 folic acid, iron, and nonprescription medicines.

30 **"§ 90-178.19. Council created.**

31           (a) Composition and Terms. – The North Carolina Supervisory Council of  
32 Certified Professional Midwives is created. The Council shall consist of seven members  
33 who shall serve staggered terms. The initial Council members shall be selected on or  
34 before October 1, 1999, as follows:

- 35           (1) The General Assembly, upon the recommendation of the President Pro  
36 Tempore of the Senate, shall appoint one certified professional midwife  
37 and one woman who has received care from a certified professional  
38 midwife, who shall serve a term of three years.  
39           (2) The General Assembly, upon the recommendation of the Speaker of the  
40 House of Representatives, shall appoint one physician who has  
41 experience working with midwives practicing in out-of-hospital  
42 settings, who shall serve a term of two years, and one woman who has

1           received care from a certified professional midwife, who shall serve a  
2           term of two years.

- 3           (3)   The Governor shall appoint two certified professional midwives, who  
4           shall serve terms of one year, and one certified professional midwife,  
5           who shall serve a term of two years.

6           Upon the expiration of the terms of the initial Council members, members shall be  
7           elected by majority vote of certified professional midwives in good standing. Members  
8           shall be elected to terms of three years and shall serve until their successors are  
9           appointed. No member may serve more than two consecutive full terms.

10          (b)   Qualifications. – The certified professional midwife members shall hold  
11          current approvals from the Council, reside or be employed in this State, and remain in  
12          good standing with the Council during their terms.

13          (c)   Vacancies. – A vacancy shall be filled by majority vote of certified  
14          professional midwives in good standing. Appointees to fill vacancies shall serve the  
15          remainder of the unexpired term and until their successors have been duly appointed and  
16          qualified.

17          (d)   Removal. – The Council may remove any of its members for neglect of duty,  
18          incompetence, or unprofessional conduct. A member subject to disciplinary proceedings  
19          in his or her capacity as a certified professional midwife shall be disqualified from  
20          participating in the official business of the Council until the charges have been resolved.

21          (e)   Compensation. – Each member of the Council shall receive per diem and  
22          reimbursement for travel and subsistence as provided in G.S. 93B-5.

23          (f)   Officers. – The officers of the Council shall be a chair, a vice-chair, and other  
24          officers deemed necessary by the Council to carry out the purposes of this Article. All  
25          officers shall be elected annually by the Council for two-year terms and shall serve until  
26          their successors are elected and qualified. No person may serve as chair for more than  
27          five consecutive years.

28          (g)   Meetings. – The Council shall hold its first meeting within 45 days after the  
29          appointment of its members, and shall hold at least two meetings each year to conduct  
30          business and to review the standards and rules previously adopted by the Council. The  
31          Council shall establish the procedures for calling, holding, and conducting regular and  
32          special meetings. A majority of Council members constitutes a quorum.

33          **"§ 90-178.20. Powers of the Council.**

34          The Council shall have the power and duty to:

35               (1)   Administer this Article.

36               (2)   Issue interpretations of this Article.

37               (3)   Adopt, amend, or repeal rules as may be necessary to carry out the  
38               provisions of this Article.

39               (4)   Employ and fix the compensation of personnel that the Council  
40               determines is necessary to carry into effect the provisions of this Article  
41               and incur other expenses necessary to effectuate this Article.

42               (5)   Examine and determine the qualifications and fitness of applicants for  
43               approval, renewal of approval, and reciprocal approval.

- 1           (6) Issue, renew, deny, suspend, or revoke approvals and carry out any  
2           disciplinary actions authorized by this Article.
- 3           (7) Set fees for approval, approval renewal, and other services deemed  
4           necessary to carry out the purposes of this Article.
- 5           (8) Maintain a current list of all persons who have been approved as a  
6           certified professional midwife under this Article.
- 7           (9) Address problems and concerns of practicing certified professional  
8           midwives in order to promote safety for the citizens of this State.
- 9           (10) Conduct investigations for the purpose of determining whether  
10           violations of this Article or grounds for disciplining holders exist.
- 11           (11) Maintain a record of all proceedings and make available to all approved  
12           certified professional midwives and other concerned parties an annual  
13           report of all Council action.
- 14           (12) Adopt a seal containing the name of the Council for use on all official  
15           documents and reports issued by the Council.

16 **"§ 90-178.21. Requirements of approval; exemptions.**

17           (a) On or after January 1, 2000, no person shall practice midwifery as defined in  
18 G.S. 90-178.18 unless that person has been approved by the Council as provided in this  
19 Article.

20           (b) The provisions of this Article do not apply to:

- 21           (1) A midwife licensed under Article 10A of this Chapter.
- 22           (2) A physician licensed under Article 1 of this Chapter when engaged in  
23           the practice of medicine as defined by law.
- 24           (3) The performance of medical acts by a physician assistant or nurse  
25           practitioner when performed in accordance with the rules of the North  
26           Carolina Medical Board.
- 27           (4) The practice of nursing by a registered nurse engaged in the practice of  
28           nursing as defined by law.
- 29           (5) The rendering of child birth assistance in an emergency situation.
- 30           (6) The rendering of childbirth assistance by a person whose religious  
31           beliefs are contrary to the requirements of this Article and the person  
32           renders assistance at the request of a parent.

33 **"§ 90-178.22. Qualifications for approval.**

34           An applicant shall be approved to practice as a certified professional midwife if the  
35 applicant meets all of the following qualifications:

- 36           (1) Is at least 18 years old.
- 37           (2) Completes an application on a form provided by the Council.
- 38           (3) Submits evidence of certification by the North American Registry of  
39           Midwives.
- 40           (4) Pays the required fee under G.S. 90-178.24.

41 **"§ 90-178.23. Approval based on experience; nonresident approval; reciprocity.**

42           (a) The Council may grant, upon application and payment of proper fees, approval  
43 to a person who resides in this State and has been approved to practice as a certified

1 professional midwife in another state whose standards of competency are substantially  
2 equivalent to those provided in this Article.

3 (b) The Council may grant, upon application and payment of proper fees, approval  
4 to a nonresident if the person meets the requirements of this Article or the person resides  
5 in a state that recognizes approvals issued by the Council.

6 **"§ 90-178.24. Expenses; fees.**

7 (a) All fees payable to the Council shall be deposited in the name of the Council in  
8 financial institutions designated by the Council as official depositories and shall be used  
9 to pay all expenses incurred in carrying out the purposes of this Article.

10 (b) All salaries, compensation, and expenses incurred or allowed to carry out the  
11 purposes of this Article shall be paid by the Council exclusively out of the fees received  
12 by the Council as authorized by this Article or funds received from other sources. In no  
13 case shall any salary, expense, or other obligation of the Council be charged against the  
14 State treasury.

15 (c) The Council shall establish fees not exceeding the following amounts:

16 (1)	Issuance of approval
	\$200.00
18 (2)	Renewal of approval
	\$150.00
20 (3)	Reinstatement
	\$200.00
22 (4)	Late fee \$ 25.00.

23 **"§ 90-178.25. Issuance and renewal of approval.**

24 The Council shall approve a person to practice as a certified professional midwife,  
25 upon payment of the fee required in G.S. 90-178.24, if the person has satisfactorily met  
26 the requirements of this Article as administered by the Council. All approvals to practice  
27 shall expire three years after the date they were issued unless renewed. All applications  
28 for renewal shall be filed with the Council and shall be accompanied by the renewal fee  
29 as required by G.S. 90-178.24. An approval that has expired for failure to renew may be  
30 reinstated after the applicant pays the late and reinstatement fees as required by G.S. 90-  
31 178.24.

32 **"§ 90-178.26. Suspension, revocation, and refusal to renew approval.**

33 (a) The Council may require remedial education, issue a letter of reprimand, or  
34 deny, refuse to renew, suspend, or revoke an application for approval or an approval if  
35 the applicant or person who has been approved:

- 36 (1) Gives false information or withholds material information from the  
37 Council in procuring or attempting to procure an approval.
- 38 (2) Gives false information or withholds material information from the  
39 Council during the course of an investigation conducted by the Council.
- 40 (3) Has been convicted of or pled guilty or no contest to a crime that  
41 indicates the person is unfit or incompetent to practice midwifery as  
42 defined in this Article or that indicates the person has deceived,  
43 defrauded, or endangered the public.

- 1           (4) Has a habitual substance abuse or mental impairment that interferes  
2           with his or her ability to provide appropriate care as established by this  
3           Article or rules adopted by the Council.
- 4           (5) Has demonstrated gross negligence, incompetency, or misconduct in the  
5           practice of midwifery as defined in this Article.
- 6           (6) Has had an application for approval or an approval to practice  
7           midwifery in another jurisdiction denied, suspended, or revoked for  
8           reasons that would be grounds for similar action in this State.
- 9           (7) Has willfully violated any provision of this Article or rules adopted by  
10          the Council.

11          (b) The taking of any action authorized under subsection (a) of this section may be  
12 ordered by the Council after a hearing is held in accordance with Article 3A of Chapter  
13 150B of the General Statutes. The Council may reinstate a revoked approval if it finds  
14 that the reasons for revocation no longer exist and that the person can reasonably be  
15 expected to perform the services authorized under this Article in a safe manner.

16 **"§ 90-178.27. Enjoining illegal practices.**

17          The Council may apply to the superior court for an order enjoining violations of this  
18 Article. Upon a showing by the Council that any person has violated this Article, the  
19 court may grant injunctive relief."

20           Section 2. This act is effective when it becomes law.