

HB 1061-FN - AS INTRODUCED

2022 SESSION

22-2008

11/10

HOUSE BILL ***1061-FN***

AN ACT relative to the midwifery council.

SPONSORS: Rep. McGuire, Merr. 29; Rep. Goley, Hills. 8; Rep. Schuett, Merr. 20; Rep. P. Schmidt, Straf. 19

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes the midwifery council an advisory board to the executive director of the office of professional licensure and certification.

This bill is a request of the office of professional licensure and certification.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the midwifery council.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Midwifery; Definitions; Executive Director. Amend RSA 326-D:2 by inserting
2 after paragraph III the following new paragraph:

3 III-a. "Executive director" means the executive director of the office of professional licensure
4 and certification, or designee.

5 2 Advisory Midwifery Council Established. RSA 326-D:3 is repealed and reenacted to read as
6 follows:

7 326-D:3 Advisory Council Established. The executive director shall establish an advisory
8 midwifery council consisting of 3 members. Two members shall be New Hampshire licensed
9 physicians or advanced practice registered nurses with experience in obstetrics. One member shall
10 be a midwife certified under this chapter. Each member shall be appointed to a term of 3 years. No
11 member shall serve more than 2 consecutive full terms. The advisory council shall advise the
12 executive director regarding the implementation of this chapter.

13 3 Midwifery; Powers and Duties of Executive Director. Amend the introductory paragraph of
14 RSA 326-D:4, I to read as follows:

15 I. The powers and duties of the [council] **executive director** shall include:

16 4 Midwifery; Powers and Duties of the Executive Director. Amend RSA 326-D:4, II to read as
17 follows:

18 II. The [council] **executive director** shall have the power to subpoena witnesses and
19 administer oaths in any hearing or disciplinary proceedings, and to compel, by subpoena duces
20 tecum, the production of papers and records.

21 5 Midwifery; Rulemaking. Amend the introductory paragraph of RSA 326-D:5, I to read as
22 follows:

23 I. The [council] **executive director** shall adopt rules, pursuant to RSA 541-A, relative to:

24 6 Midwifery; Rulemaking. Amend RSA 326-D:5, III to read as follows:

25 III. Notwithstanding RSA 541-A:16, I(b)(2), the [council] **executive director** shall adopt the
26 model rules for adjudicative hearings adopted by the attorney general under RSA 541-A:30-a. The
27 [council] **executive director** may adopt supplements or modifications to the model rules pursuant to
28 RSA 541-A:30-a, IV. Rehearings and appeals to the [council] **executive director** shall be conducted
29 pursuant to the provisions of RSA 541.

30 7 Midwifery; Certification. Amend RSA 326-D:6, I-III to read as follows:

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1 I. No person shall practice midwifery in this state without first obtaining certification from
2 the ~~[council]~~ **executive director**. The ~~[council]~~ **executive director** shall certify for the practice of
3 midwifery any person applying for such certification who meets the qualifications adopted under
4 RSA 326-D:5, I(a) and who submits ~~[a \$110]~~ **the** certification fee.

5 II. Certification issued under this chapter shall be subject to renewal every 2 years and shall
6 expire unless renewed in accordance with rules adopted by the ~~[council]~~ **executive director** and
7 upon payment of ~~[a \$110]~~ **the** renewal fee.

8 III. The title "certified midwife" shall be used only by persons certified under this chapter.
9 No person shall continue to represent himself or herself as a certified midwife after certification has
10 been suspended under this chapter. Any person whose certification under this chapter has been
11 suspended or revoked by the ~~[council]~~ **executive director** for disciplinary action under RSA 326-D:8,
12 shall not engage in the practice of midwifery unless and until the suspension or revocation of
13 certification has been lifted.

14 8 Midwifery; Qualifications. Amend RSA 326-D:7 to read as follows:

15 326-D:7 Qualifications. In order to be certified as a midwife by the ~~[council]~~ **executive**
16 **director**, a person shall:

17 I. Have completed high school or its equivalent.

18 II. Complete one college-level course in human anatomy and physiology, or pass a college-
19 level equivalency program or credit by exam.

20 III. Express an intent to engage in the active practice of midwifery in the state.

21 IV. Submit an affidavit disclosing any criminal convictions. If the ~~[council]~~ **executive**
22 **director** determines that such conviction has a direct bearing on the applicant's ability to serve as a
23 midwife, such conviction may serve as a basis for denial of certification.

24 V. Meet practical experience requirements prescribed by the ~~[council]~~ **executive director**,
25 including specific numbers of prenatal visits, post-partum follow-up exams, attendance at live births
26 as an observer and primary birth attendant under supervision, performance of newborn
27 examinations, performance of laceration repairs, performance of postpartum visits, and observation
28 of in-hospital births.

29 VI. Present evidence of technical skills as prescribed by the ~~[council]~~ **executive director**.

30 VII. Present evidence of a passing grade on a certification examination approved by the
31 ~~[council]~~ **executive director**.

32 VIII. Pass both a written and an oral examination administered by the ~~[council]~~ **executive**
33 **director**. Such examinations shall include, but shall not be limited to, questions relative to New
34 Hampshire laws and rules governing midwives.

35 9 Midwifery; Disciplinary Actions; Reference Change. Amend RSA 326-D:8, I to read as follows:

36 I. The ~~[council]~~ **executive director** may undertake disciplinary proceedings:

37 (a) Upon ~~[its]~~ **his or her** own initiative; or

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1 (b) Upon written complaint of any person which charges that a person certified by the
2 [council] **executive director** has committed misconduct under paragraph II and which specifies the
3 grounds for the misconduct.

4 10 Midwifery; Disciplinary Action; References Changed. Amend RSA 326-D:8, III to read as
5 follows:

6 III.(a) The [council] **executive director** may take disciplinary action in any one or more of
7 the following ways:

8 (1) By public or private reprimand.

9 (2) By suspension, limitation, or restriction of certification.

10 (3) By revocation of certification.

11 (4) By assessing administrative fines in amounts established by the [council]
12 **executive director** which shall not exceed \$2,000 per offense, or in the case of a continuing offense,
13 \$250 for each day the violation continues.

14 (b) Disciplinary action taken under this paragraph may be ordered by the [council]
15 **executive director** in a decision made after a hearing in the manner provided by the rules adopted
16 by the [council] **executive director** and reviewed in accordance with RSA 541.

17 11 Midwifery; Certificate Renewal; Continuing Education. Amend RSA 326-D:11 to read as
18 follows:

19 326-D:11 Certificate Renewal; Continuing Education. Every person certified under this chapter
20 shall apply to the [council] **executive director** for certificate renewal every 2 years. Renewals of
21 certificates shall be contingent upon presentation of satisfactory evidence to the [council] **executive**
22 **director** of having met the continuing education requirements established by the [council]
23 **executive director** pursuant to RSA 326-D:5, I(e) and shall be accompanied by the renewal fee
24 established ~~by the office of professional licensure and certification~~ **pursuant to RSA 326-D:4, I(b)**.
25 All certificates shall automatically lapse 2 years after the date of issuance unless a timely and
26 complete renewal application has been filed with the [council] **executive director**. In no event shall
27 a certificate, for which a timely and complete application for renewal has been submitted, expire
28 before the [council] **executive director** has taken final action upon the application.

29 12 Midwifery; Administration of Drugs and Medications. Amend RSA 326-D:12, I(h) to read as
30 follows:

31 (h) Other drugs or medications as prescribed by a physician, consistent with the scope of
32 midwifery practice as defined by the [council] **executive director**.

33 13 Midwifery; Reciprocity. Amend RSA 326-D:13 to read as follows:

34 326-D:13 Reciprocity. The [council] **executive director** may certify any applicant who is
35 licensed in any other state, provided the other state's licensing or certification requirements are
36 substantially equivalent to or higher than those of this state.

37 14 Effective Date. This act shall take effect 60 days after its passage.

LBA
22-2008
10/7/21

**HB 1061-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the midwifery council.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as introduced, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2022 through 2025.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification