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Occupational and Professional Licensing of Nevada Licensed Certified Professional Midwives (CPMs)

[NOTE: Clear and consistent use of terms is VITAL to strictly limiting the scope of this bill. Therefore clarifying every case of the use of vague terms, for example:

-- midwife, midwives, and midwifery needs to be carefully analyzed to determine if the statement is generic and applies to ALL midwives [CNMs, CMs, CPMs, and Other Midwives,] or if the language needs to be clarified by the phrase, "Pursuant to this ACT relating to Nevada Licensed Certified Professional Midwives (CPMs),"

-- licensed midwife, licensed midwives, and licensed midwifery needs to be EVERYWHERE changed to CPM, CPMs, or Nevada Licensed CPM/CPMs.

-- board, and even "The Board", needs to be EVERYWHERE changed to "CPM Board" or "Nevada Board of Licensed Certified Professional Midwives (CPM Board)".]

Issuing Agency: Nevada Division of Public and Behavioral Health

Scope: Nevada Licensed Certified Professional Midwives (CPMs) provide on-going care throughout pregnancy and continuous, hands on care during labor, birth and immediate postpartum period, as well as maternal and well-baby care through the 8 weeks postpartum period. CPMs provide initial and ongoing comprehensive assessment, diagnosis and treatment. Most CPMs own or work in private home or birth centered based practices throughout the United States, Canada and Mexico. [NOTE: Birth Centers do not belong in this bill or under this CPM board. Every mention of "Birth Center" in all forms needs to be stricken.]

Midwives have been a proud part of the culture and history of Nevada that precedes Nevada statehood. Midwifery has always been legal in Nevada - there has never been an illegal midwife in Nevada - and it is the intention of this bill to retain that proud history and tradition, while adding a new, separate, narrow, and distinct class of midwife - the Nevada Licensed Certified Professional Midwife (CPM) - without in any way restraining the trade or infringing on the already legal practice of Other Midwives. It is the intention of this bill to expand the choices for Nevada mothers - not to limit or take away their right to birth wherever or with whomever they choose.

Duration: Permanent.

Effective Date:

Objective: The regulations establish policies, standards and criteria relating to the educational and examination requirements, issuing of permits and licenses, practice, and continuing education of persons who practice **Nevada Licensed Certified Professional Midwifery (CPMs) licensed midwifery**.

Definitions: Pursuant to this ACT relating to Nevada Licensed Certified Professional Midwives (CPMs):

A. "Apprentice" means a person who 1) wishes to make application for basic education in the art and science **required to become a CPM of midwifery** by apprenticeship, 2) has a formal **preceptor** relationship defined in writing with a **CPM midwifery preceptor instructor** who is in good standing with the CPM Board, 3) is **currently enrolled in a midwifery educational program accredited by MEAC or accepted by the NARM for the PEP (Portfolio Evaluation Process) under the direct supervision of a CPM preceptor.** [NOTE: This combines and eliminates the need for both apprentice/student, and preceptor/instructor, and eliminates the need for Definition S.] [NOTE: Should the Portfolio Evaluation Process (PEP) have it's own definition?]

B. "Apprenticeship" the instructional period of ~~a certified professional midwifery~~ training **required to become a CPM** composed of practical experience obtained under the direct supervision of a CPM preceptor ~~approved by the North American Registry of Midwives (NARM).~~

A. "**Birth** Assistant" a person whose scope is limited to simple routine medical tasks and procedures that may be safely performed by an **midwife** assistant who functions under the direct supervision of a **CPM licensed midwife at births or during the prenatal and postpartum periods.** An **birth** assistant will not assess clinical information or make clinical decisions.

~~B.—"Birthing Center" a place or facility at which a person is scheduled to give birth following a normal, uncomplicated pregnancy, but does not include a hospital, medical or obstetric center.~~ [NOTE: Birth Centers do not belong in this bill or under this CPM board. This entry and every other mention of "Birth Center" in all forms needs to be stricken.]

C. "CPM Board" means the **Nevada** Board of **Licensed** Certified Professional Midwives established under these regulations.

D. “Certified Nurse-Midwife (CNM)” means a graduate of a midwifery education program accredited by the American Midwifery Certification Board. Once a nurse-midwife is awarded her certification, candidates obtain an APRN licensure through and are managed by the Nevada State Board of Nursing.

E. “Certified Professional Midwife” means an autonomous practitioner who has met the standards for certifications set forth by the North American Registry of Midwives (NARM).

F. “Community Birth” birth that is planned to take place outside of a hospital setting, such as in homes ~~or freestanding birth centers~~. [NOTE: Birth Centers do not belong in this bill or under this CPM board. Every mention of “Birth Center” in all forms needs to be stricken.]

G. “Continuing Education” means participation in a formal learning experience presented by an instructor who is approved by MANA, ACNM, the CPM Board, or fulfills requirements as set by ~~NARM the North American Registry of Midwives~~.

H. “Directly Assisted”- the act where an ~~apprentice student midwife~~ is learning ~~the skills of a midwife~~ through hands-on clinical experience with gradually increasing degrees of responsibility while under the supervision of a ~~CPM certified or licensed midwife~~.

I. “~~Nevada Licensed Certified Professional Midwife (CPM) Licensed Midwife~~” means a person who has successfully completed all the requirements in this chapter and is in good standing with the CPM Board ~~of Certified Professional Midwives~~ and has the ability to practice to the full extent of their scope. ~~A CPM provides health care and management of persons in the antepartum, intrapartum, postpartum, and inter conceptual periods and newborn care up to 8 weeks of age. This care occurs within a health care system which provides protocols, medical consultation, co-management or referral.~~

~~J.—“Licensed Midwifery” means the provision of health care and management of persons in the antepartum, intrapartum, postpartum, and inter conceptual periods and newborn care up to 8 weeks of age. This care occurs within a health care system which provides midwifery protocols, medical consultation, co-management or referral.~~

K. “Licensing Period” means a two-year period for which permits, or licenses are issued.

L. MEAC stands for Midwifery Education and Accreditation Counsel and is a non-profit organization approved by the US Secretary of Education as a nationally recognized accrediting agency.

M. “Midwifery Bridge Certificate” NARM, in collaboration with the US Department of Education (USDE) accredited education programs and US MERA professional organizations will administer and award the Midwifery Bridge Certificate to CPMs based on completion of 50 accredited approved continuing education contact hours

(CEUs/CMEs/CNEs) within the five-year period prior to application. Required continuing education will be based upon identified areas to address emergency skills and midwifery competencies.

[NOTE: A general definition of “midwife” that encompasses all midwives belongs in this list of definitions. For example: “Midwife” means any person who provides "skilled, knowledgeable and compassionate care for childbearing women, newborn infants and families across the continuum throughout pre-pregnancy, pregnancy, birth, postpartum and the early weeks of life." [WHO]]

N. “Other Midwives” Any midwife who is not certified under the North American Registry of Midwives and does not carry the credentials "Certified Professional Midwife" or "CPM".

O. “Peer Review” means the review of the practice standards and outcomes of a ~~CPM licensed midwife~~ by a group of their peers.

P. “Permit” means documentation issued by Nevada Division of Public and Behavioral Health to a person meeting the professional requirements described in these regulations authorizing ~~an apprentice to practice under the supervision of a qualified CPM preceptor. the practice of midwifery at the apprentice level.~~

Q. “Physician” means a person who is currently practicing obstetrics and is licensed and in good standing in their jurisdiction to practice medicine or osteopathy.

R. “~~CPM Preceptor~~” means a ~~CPM licensed midwife~~ or ~~CNM certified nurse midwife~~ who licensed by their state or jurisdiction to provide maternity care who assumes responsibility for supervising the practical (clinical obstetric) experience of ~~an apprentice student midwife~~. To qualify as a ~~CPM~~ preceptor, a ~~CPM or CNM~~ must be a NARM registered ~~CPM~~ preceptor which requires 3 years of active practice beyond entry-level CPM requirements or 50 primary births, including 10 continuity of care as set forth in NARM preceptor handbook. [NOTE: See Definition A.]

~~S.—“Student Midwife” must be currently enrolled in a midwifery educational program accredited by MEAC or excepted by the North American Registry of Midwives for the PEP (Portfolio Evaluation Process) under the direct supervision of a licensed midwifery preceptor. [NOTE: See Definition A.]~~

Exemptions: “Other Midwives” This bill is written for the **Nevada Licensed Certified Professional Midwife (CPM)** and does not include or affect any other midwife. **Midwives have been a proud part of the culture and history of Nevada that precedes Nevada statehood. Midwifery has always been legal in Nevada - there has never been an illegal midwife in Nevada - and it is the intention of this bill to retain that proud history and tradition, while adding a new, separate, narrow, and distinct class of midwife - the Nevada Licensed Certified Professional Midwife (CPM) - without in**

any way restraining the trade or infringing on the already legal practice of Other Midwives. It is the intention of this bill to expand the choices for Nevada mothers - not to limit or take away their right to birth wherever or with whomever they choose.

Parents' rights: Nothing in this chapter abridges, limits, or changes in any way the right of parents to deliver their baby where, when, how, and with whom they choose, regardless of licensure, relationship, or compensation ~~under this chapter.~~

Permits and Licenses

A. General Provisions: Pursuant to this ACT relating to Nevada Licensed Certified Professional Midwives (CPMs):

1) A CPM ~~licensed midwife~~ may provide any care or services allowed by these regulations

2) An apprentice ~~midwife~~ may provide any care or service allowed by these regulations only set out under the direct supervision of a CPM preceptor. The CPM preceptor reviews and evaluates all care provided by and attends every appointment, labor and delivery managed by the apprentice. The CPM preceptor retains the responsibility for clients seen by apprentices.

3) Nevada Division of Public and Behavioral Health requires full disclosure of past CPM ~~midwifery~~ licensure, suspensions, and revocations which will be considered before granting any license or permit.

B. Apprentice ~~Midwife~~ Permits:

1) Application for apprentice ~~midwife~~ permit must include all of the following:

a) a completed agreement with the CPM preceptor

b) a completed apprentice application

c) payment of a hundred dollars to the Nevada Division of Public and Behavioral Health

2) Upon proof of successful completion, the Nevada Division of Public and Behavioral Health will supply to the qualifying apprentice applicants an apprentice ~~midwife~~ permit and necessary regulatory information applicable to apprenticeship.

3) An apprentice must have successfully completed basic education requirements ~~in midwifery~~ and completed the examination provided by the North American

Registry of Midwives, no later than the end of the fourth year after the initial apprentice permit is issued. In the event of extenuating circumstance, applicant may file for an extension. An apprentice must successfully complete the following:

- a) a minimum of twenty four months of educational and clinical study
- b) a copy of your Certified Professional Midwife Certificate

4) Renewal of Permits: An apprentice **midwifery** permit may be renewed once after the initial two years permit period. An applicant for renewal shall submit to the Nevada Division of Public and Behavioral Health:

- a) A completed renewal application
- b) Renewal payment of one hundred dollars

C. **CPM Midwife** Licensure:

1) An applicant for **CPM midwifery** licensure must meet the following requirements

- a) Submit a current copy of CPM certificate; if through PEP process, applicant must also submit a Midwifery Bridge Certificate.
- b) Submit a complete application on the Nevada Division of Public and Behavioral Health form which shall include the applicants licensing and disciplinary history.
- c) Submit along with a fee of two hundred dollars for licensure

2) After reviewing and approving duly submitted applications, the Nevada Division of Public and Behavioral Health shall issue to qualifying applicants a license.

3) Renewal of Licensure: A **CPM midwifery** license must be renewed every two years from the date the license was issued. An applicant for renewal must submit:

- a) A completed renewal form
- b) Submit proof of current CPM certification.
- c) Proof of 20 Continuing Education Credits
- d) Renewal payment of two hundred dollars

4) Reinstatement of licenses lapsed longer than 4 years will need to repeat the initials step of licensing.

D. Credentialing By Endorsement: An applicant holding a CPM midwifery credential in another state may be credentialed to practice in this state so long as MEAC education requirements have been met or with PEP and mandatory bridge program completion if non-MEAC accredited school or program.

Disciplinary Action: The Governor and CPM Board of Certified Professional Midwives will decide whether or not the actions of any reported grievance or incident was grievous enough for a CPM Midwife license to be revoked.

Education: the candidate shall meet the following condition:

A) A minimum of two years of midwifery training, either through a MEAC school or PEP process accompanied by the completion of the Midwifery Bridge Certificate.

B) Meeting minimum educational requirements which shall include general health care skills, cultural humility, studying basic sciences, reproductive anatomy and physiology, behavioral sciences, childbirth education, community care, family planning, the legal aspects of being a CPM midwifery, nutrition during pregnancy and lactation, breastfeeding, clinical skills, aseptic technique; and any other requirements that may come up.

C) The CPM midwifery preceptor will support the above courses of education for the apprentice as well as offer clinical experience.

Responsibilities and Scope of Practice:

A) Scope of Practice: The CPM licensed midwife may provide care to low-risk, healthy persons during the childbearing years including the preconception, pregnant and postpartum period including well-person and reproductive care in a community-based, out-of-hospital setting including home or birth centers. The CPM licensed midwife will also administer limited legend of medication as noted in Drug Legend and care for a healthy newborn up to 8 weeks of age. [NOTE: Birth Centers do not belong in this bill or under this CPM board. Every mention of "Birth Center" in all forms needs to be stricken.]

B) The Responsibility to Consult: The CPM licensed midwife shall be responsible for developing a means of consultation and referral/transfer to a physician or hospital when obstetrical complications present for the client and/or infant, deviating from normal and low risk. If every effort is made to consult, and it is documented in client records, and no physician is willing to consult, this requirement will be considered met.

C) Limitation of Physician Liability: any relationship with a physician shall not by itself provide the basis for finding a physician liable for any acts or omissions by a **CPM licensed midwife**

D) Informed Consent: The **CPM licensed midwife** must obtain written, informed consent regarding the care to be provided by the **CPM licensed midwife** from the individual upon accepting them for care. At a minimum the **CPM licensed midwife** must first explain the following to any individual seeking **midwifery** care to ensure that their choices are comprehensive and informed.

- 1) **CPMs Midwives** educational back ground
 - 2) The risks and benefits of **CPM midwifery** care
 - 3) The nature and scope of the care to be given
 - 4) The nature and terms of the financial agreement

E) Birth Assistants: In the event of a precipitous or emergency situation, if **anyone, such as an midwife** assistant, **an apprentice student midwife**, **Other Midwife**, or Good Samaritan, feels they have a duty to intervene, this shall not be interpreted as intention to practice **as a licensed CPM midwifery** without a license.

F) Birth Registration: the **CPM licensed midwife** must complete a Nevada certificate of live birth registration and file it within 10 days of the birth of any child in the state of Nevada. No **CPM licensed midwife** shall register nor enable any other party to register as a Nevada birth any child not born in the state.

G) Records: the **CPM licensed midwife** will document and maintain clients records for no less than ten years.

H) Mortality: immediate recording: a **CPM licensed midwife** must report within forty eight hours to the Office of Vital Statistics any neonatal or maternal mortality in patients for whom they have cared in the perinatal period.

I) Reportable Diseases: The **CPM licensed midwife** must report any reportable contagious disease to the local health department.

J) Changes of address or phone number: A **CPM licensed midwife** must report a change of their address or phone number within thirty days of the change.

Drug Legend- Acquire/procure, carry/transport, and administer medications for safe care of pregnancy, labor and birth, and postpartum, and the newborn including but not limited to: (See drug legend chart)

Medicaid Reimbursement

Reimbursement for Nevada Licensed Certified Professional Midwives

- A) A health benefit plan or health insurance provided through Medicaid shall provide coverage for services rendered by a CPM ~~certified professional midwife~~ for services within ~~their~~ the scope of the practice ~~of certified professional midwifery~~, regardless of the location where such services are provided.
- B) Coverage for services provided by a CPM shall not be subject to any greater copayment, deductible, or coinsurance than is applicable to any other similar benefits provided by the health benefit plan or health insurance coverage provided through Medicaid.
- C) A health benefit plan may require that maternity services be provided by a CPM under contract with the health benefit plan.

CPM Midwifery Board: The Governor of the state of Nevada shall appoint a CPM ~~licensed midwifery~~ Board named Nevada Board of Licensed Certified Professional Midwives (CPM Board).

- A) The CPM Board ~~board~~ activities will be:
- 1) Review complaints against CPMs ~~licensed midwives~~ as requested by the Governor of the state of Nevada and make recommendations to the Governor.
 - 2) Remain current in clinical practice and professional issues and advise the Governor accordingly
 - 3) Conduct other relevant business as requested by the Governor
- B) ~~Advisory~~ CPM Board Membership: The CPM Board ~~of Certified Professional Midwives~~ shall be composed of five members and three ex-officio members; the membership shall be as follows:
- 1) Four CPMs ~~state licensed midwives~~, at least two of whom shall be actively practicing.
 - 2) One CNM ~~state licensed certified nurse midwife~~ actively practicing in Nevada, will be an ex-officio member of the CPM Board ~~board~~.
 - 3) One consumer member
 - 4) One ~~state licensed~~ physician actively practicing obstetrics in Nevada, will be an ex-officio member of the CPM Board ~~board~~.
 - 5) A representative from the Nevada Maternal and Child Health Coalition will be an ex-officio member of the CPM Board ~~board~~.

C) CPM Advisory Board procedures: CPM Board members shall be appointed for staggered three-year terms and not more than two consecutive terms.

1) CPM Board members shall serve without compensation.

2) Any member failing to attend two consecutive meetings without good cause and an excused absence prior to the meetings shall be deemed to have resigned from the CPM Board board.

Severability: If any part of application of the regulations governing the practice of CPM licensed midwifery is held invalid, the remainder or its application to other situations or persons shall not be affected.