S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

May 5, 2009

Introduced by M. of A. GOTTFRIED -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to the definition of the practice of midwifery

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivisions 1 and 2 of section 6951 of the education law, subdivision 1 as amended by chapter 328 of the laws of 1992 and subdivision 2 as added by chapter 327 of the laws of 1992, are amended to read as follows:

1. The practice of the profession of midwifery is defined as the management of normal pregnancies, child birth and postpartum care as well as primary preventive reproductive health care of essentially healthy women [as specified in the written practice agreement], and shall include newborn evaluation, resuscitation and referral for infants. [Midwifery shall be practiced in accordance with a written agreement between the midwife and (i) a licensed physician who is board certified as an obstetrician-gynecologist by a national certifying body or (ii) a licensed physician who practices obstetrics and has obstetric privileges at a general hospital (licensed under article twenty-eight of the public health law) or (iii) a hospital (licensed under article twenty-eight of the public health law) that provides obstetrics through a licensed physician having obstetrical privileges at such institution. The written agreement shall provide for physician consultation, collaboration, referral and emergency medical obstetrical coverage, and shall include written guidelines and protocols. The written agreement shall provide guidelines for the identification of pregnancies that are not considered normal and address the procedures to be followed. The written agreement shall also provide a mechanism for dispute resolution and shall provide that the judgment of the appropriate physician shall prevail as to whether the pregnancy, childbirth or postpartum care is normal and

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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whether the woman is essentially healthy in the event the practice protocols do not provide otherwise.]

2. A licensed midwife shall have the authority, as necessary, and limited to the practice of midwifery, [and subject to limitations in the written agreement,] to prescribe and administer drugs, immunizing agents, diagnostic tests and devices, and to order laboratory tests, as established by the board in accordance with the commissioner's regulations. A midwife shall obtain a certificate from the department upon successfully completing a program including a pharmacology component, or its equivalent, as established by the commissioner's regulations prior to prescribing under this section.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.