STATE OF NEW YORK

7078

2021-2022 Regular Sessions

IN SENATE

May 27, 2021

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT to amend the education law and the public health law, in relation to the practice of community midwifery

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Title 8 of the education law is amended by adding a new article 140-A, to read as follows:

ARTICLE 140-A

COMMUNITY MIDWIFERY

Section 6960. Introduction.
6961. Definition of practice of community midwifery.
6962. Practice of community midwifery.
6963. Use of title "community midwife".
6964. Requirements for a professional license.
6965. Exempt persons.

§ 6960. Introduction. This article applies to the profession of community midwifery. The general provisions for all professions contained in article one hundred thirty of this title apply to this article.

§ 6961. Definition of practice of community midwifery. 1. The practice of the profession of community midwifery is defined as the management in the home, birth center, or community setting, of normal pregnancies, child birth, and postpartum care, including primary preventive gynecologic and obstetric care of essentially healthy individuals, and shall include newborn evaluation, resuscitation and referral for infants. A community midwife shall have collaborative relationships with (i) a physician who is board certified as an obstetrician-gynecologist by a national certifying body or (ii) a 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

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

LBD11661-01-1

obstetrics through a physician having obstetrical privileges at such institution, that provide for consultation, collaborative management and referral to address the health status and risks of the community midwife's patients and that include plans for emergency medical gynecological and obstetrical coverage. A community midwife shall maintain documentation of the collaborative relationships and shall make information about the collaborative relationships available to the community midwife's patients. Failure to comply with the requirements found in this subdivision shall be subject to professional misconduct provisions as set forth in article one hundred thirty of this title.

2. A community midwife shall have the authority, as necessary, and limited to the practice of community midwifery, to order, dispense, prescribe, and administer drugs, immunizing agents, diagnostic tests and devices, and to order laboratory tests, as established by the board of midwifery in accordance with the commissioner's regulations. A community 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.

3. Any reference to community midwifery, or community midwife, under the provisions of this article, this chapter or any other law, shall refer to and include the profession of community midwifery and a community midwife, unless the context clearly requires otherwise.

§ 6962. Practice of community midwifery. Only a person licensed or exempt under this article or authorized by any other section of law shall practice community midwifery.

§ 6963. Use of title "community midwife". Only a person licensed or exempt under this article shall use the title "community midwife".

§ 6964. Requirements for a professional license. To qualify for a license as a community midwife, an applicant shall fulfill the following requirements:

1. Application: file an application with the department.

2. Education: achieve and maintain the credential of community midwife or certified professional midwife from a national certifying body specializing in the certification of community midwives or certified professional midwives and approved by the commissioner.

3. Examination: pass an examination designated by a certifying body under subdivision two of this section.

4. Age: be at least twenty-one years of age.

5. Character: be of good moral character as determined by the department.

6. Fee: pay a fee of one hundred fifteen dollars for an initial license, a fee of one hundred eighty dollars for each triennial registration period and a fee of seventy dollars for a limited permit.

§ 6965. Exempt persons. Nothing in this article shall (a) affect, prevent, expand, or limit any duty or responsibility of a physician, midwife, physician assistant, or nurse practitioner, acting within the professional's scope of practice, from practicing community midwifery; or (b) affect or prevent a medical student, midwifery student, physician assistant student, or nurse practitioner student from engaging in clinical practice in an educational program registered by the department, under the supervision of a physician or board certified obstetrician/gynecologist or midwife, physician assistant, or nurse practitioner, acting within the professional's scope of practice.

§ 2. Section 6953 of the education law, as amended by chapter 327 of the laws of 1992, is amended to read as follows:

§ 6953. Use of title "midwife". Only a person licensed or exempt under this article shall use the title "midwife". Only a person licensed under both this article and article one hundred thirty-nine of this chapter may use the title "nurse-midwife". **Only a person licensed under article one hundred forty-A of this chapter may use the title "community midwife".**

§ 3. Section 6954 of the education law, as added by chapter 327 of the laws of 1992, paragraph (a) of subdivision 2 as amended by chapter 328 of the laws of 1992, is amended to read as follows:

§ 6954. State board of midwifery. 1. The state board of midwifery shall be appointed by the board of regents on recommendation of the commissioner for the purpose of assisting the board of regents on matters of professional licensing and professional conduct in accordance with section sixty-five hundred eight of this title. The board shall be composed of [~~thirteen~~] **sixteen** individuals. Initial appointments to the board shall be such that the terms shall be staggered. However, no members shall serve more than two terms. **However, a vacant seat on the board designated for an individual licensed to practice under article one hundred forty-A of this title shall not be counted for purposes of a quorum until it has been initially filled.**

2. (a) [~~(1)~~] Seven members of the board shall be persons licensed [~~or exempt~~] under this [~~section~~] **article**.

[~~(2)~~] **(b)** One member of the board shall be an educator of midwifery.

(c) Three members of the board shall be persons licensed under article one hundred forty-A of this title.

[~~(b)~~] **(d)** Two members of the board shall be individuals who are licensed physicians who are also certified as obstetrician/gynecologists by a national certifying body.

[~~(c)~~] **(e)** One member of the board shall be an individual licensed as a physician who practices family medicine including obstetrics.

[~~(d)~~] **(f)** One member of the board shall be an individual licensed as a physician who practices pediatrics.

[~~(e)~~] **(g)** One member of the board shall be an individual not possessing either licensure or training in medicine, midwifery, pharmacology or nursing and shall represent the public at large.

3. For purposes of this article, "board" means the state board of midwifery created under this section unless the context clearly indicates otherwise.

§ 4. The article heading of article 140 of the education law, as added by chapter 327 of the laws of 1992, is amended to read as follows:

[~~PROFESSIONAL~~] MIDWIFERY [~~PRACTICE ACT~~]

§ 5. Subdivision 6 of section 571 of the public health law, as amended by chapter 444 of the laws of 2013, is amended to read as follows:

6. "Qualified health care professional" means a physician, dentist, podiatrist, optometrist performing a clinical laboratory test that does not use an invasive modality as defined in section seventy-one hundred one of the education law, physician assistant, specialist assistant, nurse practitioner, [~~or~~] midwife, **or community midwife,** who is licensed and registered with the state education department.

§ 6. This act shall take effect immediately.