

# SENATE BILL No. 393

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-163; IC 16-34-2-1.1; IC 16-37-2-1; IC 16-37-2-4; IC 16-38-4-9; IC 25; IC 27-12-2-14; IC 27-12-2-19.

**Synopsis:** Licensure of midwives. Provides for the licensing of certified professional midwives. Provides that to qualify as a licensed certified professional midwife, an individual must: (1) be at least 21 years of age; and (2) complete educational and practical licensing requirements. Establishes the Indiana midwifery board and specifies the board's duties for administering the licensing of certified professional midwives. Allows for apprenticeship licensing. Establishes certain disciplinary sanctions for violations of licensed certified professional midwifery laws. Makes it a Class B misdemeanor  
(Continued next page)

**Effective:** July 1, 1998.

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**Simpson**

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January 9, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Digest Continued

to practice certified professional midwifery without a license. Provides that a health care provider who in an emergency situation assists a woman who is under the care of a certified professional midwife or apprentice midwife is liable only for damages arising from the health care provider's: (1) gross negligence; or (2) willful or wanton acts or omissions. Provides the required elements of informed disclosure that a licensed certified professional midwife must provide to a potential client before the midwife accepts the client for midwifery care. Requires a licensed certified professional midwife to have a written collaborative plan of treatment with a licensed physician in order to provide services to at-risk clients. Provides that an individual is entitled to give birth in the presence of and receive assistance during the birth process from a midwife. Requires the office of Medicaid policy and planning and the office of the secretary of family and social services to adopt rules providing for Medicaid reimbursement for licensed certified professional midwives. Requires the Indiana midwifery board and the Indiana department of insurance to adopt rules providing for insurance and third party payor reimbursement for licensed certified professional midwives. Makes conforming amendments.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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## SENATE BILL No. 393



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.188-1995,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 1998]: Sec. 163. (a) "Health care provider", for purposes of  
4 IC 16-21 and IC 16-41, means any of the following:  
5 (1) An individual, a partnership, a corporation, a professional  
6 corporation, a facility, or an institution licensed or legally  
7 authorized by this state to provide health care or professional  
8 services as a licensed physician, a psychiatric hospital, a hospital,  
9 a health facility, an emergency ambulance service (IC 16-31-3),  
10 a dentist, a registered or licensed practical nurse, a **certified**  
11 **nurse** midwife, a **licensed certified professional midwife**, an  
12 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical  
13 therapist, a respiratory care practitioner, an occupational therapist,  
14 a psychologist, a paramedic, an emergency medical technician, or  
15 an advanced emergency technician, or a person who is an officer,



1 employee, or agent of the individual, partnership, corporation,  
 2 professional corporation, facility, or institution acting in the  
 3 course and scope of the person's employment.

4 (2) A college, university, or junior college that provides health  
 5 care to a student, a faculty member, or an employee, and the  
 6 governing board or a person who is an officer, employee, or agent  
 7 of the college, university, or junior college acting in the course  
 8 and scope of the person's employment.

9 (3) A blood bank, community mental health center, community  
 10 mental retardation center, community health center, or migrant  
 11 health center.

12 (4) A home health agency (as defined in IC 16-27-1-2).

13 (5) A health maintenance organization (as defined in  
 14 IC 27-13-1-19).

15 (6) A health care organization whose members, shareholders, or  
 16 partners are health care providers under subdivision (1).

17 (7) A corporation, partnership, or professional corporation not  
 18 otherwise qualified under this subsection that:

19 (A) provides health care as one (1) of the corporation's,  
 20 partnership's, or professional corporation's functions;

21 (B) is organized or registered under state law; and

22 (C) is determined to be eligible for coverage as a health care  
 23 provider under IC 27-12 for the corporation's, partnership's, or  
 24 professional corporation's health care function.

25 Coverage for a health care provider qualified under this  
 26 subdivision is limited to the health care provider's health care  
 27 functions and does not extend to other causes of action.

28 (b) "Health care provider", for purposes of IC 16-35, has the  
 29 meaning set forth in subsection (a). However, for purposes of IC 16-35,  
 30 the term also includes a health facility (as defined in section 167 of this  
 31 chapter).

32 SECTION 2. IC 16-34-2-1.1, AS ADDED BY P.L.187-1995,  
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 1998]: Sec. 1.1. An abortion shall not be performed except  
 35 with the voluntary and informed consent of the pregnant woman upon  
 36 whom the abortion is to be performed. Except in the case of a medical  
 37 emergency, consent to an abortion is voluntary and informed only if the  
 38 following conditions are met:

39 (1) At least eighteen (18) hours before the abortion and in the  
 40 presence of the pregnant woman, the physician who is to perform  
 41 the abortion, the referring physician or a physician assistant (as  
 42 defined in IC 25-27.5-2-10), an advanced practice nurse (as

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1 defined in IC 25-23-1-1(b)), **a licensed certified professional**  
 2 **midwife (as defined in IC 25-23.2-1-6)**, or a **certified nurse**  
 3 midwife (as defined in IC 27-12-2-19) to whom the responsibility  
 4 has been delegated by the physician who is to perform the  
 5 abortion or the referring physician has orally informed the  
 6 pregnant woman of the following:

- 7 (A) The name of the physician performing the abortion.  
 8 (B) The nature of the proposed procedure or treatment.  
 9 (C) The risks of and alternatives to the procedure or treatment.  
 10 (D) The probable gestational age of the fetus, including an  
 11 offer to provide:  
 12 (i) a picture or drawing of a fetus;  
 13 (ii) the dimensions of a fetus; and  
 14 (iii) relevant information on the potential survival of an  
 15 unborn fetus;  
 16 at this stage of development.  
 17 (E) The medical risks associated with carrying the fetus to  
 18 term.

19 (2) At least eighteen (18) hours before the abortion, the pregnant  
 20 woman will be orally informed of the following:

- 21 (A) That medical assistance benefits may be available for  
 22 prenatal care, childbirth, and neonatal care from the county  
 23 office of family and children.  
 24 (B) That the father of the unborn fetus is legally required to  
 25 assist in the support of the child. In the case of rape, the  
 26 information required under this clause may be omitted.  
 27 (C) That adoption alternatives are available and that adoptive  
 28 parents may legally pay the costs of prenatal care, childbirth,  
 29 and neonatal care.

30 (3) The pregnant woman certifies in writing, before the abortion  
 31 is performed, that the information required by subdivisions (1)  
 32 and (2) has been provided.

33 SECTION 3. IC 16-37-2-1, AS AMENDED BY P.L.148-1996,  
 34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 1998]: Sec. 1. As used in this chapter, "person in attendance  
 36 at birth" means one (1) of the following:

- 37 (1) A licensed attending physician.  
 38 (2) ~~An attending~~ **A licensed certified professional** midwife or  
 39 **certified** nurse midwife.  
 40 (3) Another individual who:  
 41 (A) holds a license of the type designated by the governing  
 42 board of a hospital, after consultation with the hospital's

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1           medical staff, to attend births at the hospital; and  
 2           (B) is in attendance at the birth.

3           SECTION 4. IC 16-37-2-4 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 4. A local health officer  
 5 may accept a certificate of birth presented for filing not more than four  
 6 (4) years after the birth occurred if the attending physician, **certified**  
 7 **nurse midwife, licensed certified professional** midwife, or other  
 8 person desiring to file the certificate states the reason for the delay in  
 9 writing. This statement shall be made a part of the certificate of birth.

10          SECTION 5. IC 16-38-4-9 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 9. (a) Physicians,  
 12 **certified** nurse midwives, **licensed certified professional midwives**,  
 13 local health departments, and hospitals shall report each confirmed  
 14 case of a birth problem to the registry not later than sixty (60) days  
 15 after the birth. Information may be provided to amend or clarify an  
 16 earlier reported case.

17          (b) A person required to report information to the registry under this  
 18 section may use, when completing reports required by this chapter,  
 19 information submitted to any other public or private registry or required  
 20 to be filed with federal, state, or local agencies. However, the state  
 21 department may require additional, definitive information.

22          (c) Exchange of information between state department registries is  
 23 authorized. The state department may use information from another  
 24 registry administered by the state department. Information used from  
 25 other registries remains subject to the confidentiality restrictions on the  
 26 other registries.

27          SECTION 6. IC 25-1-5-3, AS AMENDED BY P.L.147-1997,  
 28 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 1998]: Sec. 3. (a) There is established the health professions  
 30 bureau. The bureau shall perform all administrative functions, duties,  
 31 and responsibilities assigned by law or rule to the executive director,  
 32 secretary, or other statutory administrator of the following:

- 33           (1) Board of chiropractic examiners (IC 25-10-1).
- 34           (2) State board of dental examiners (IC 25-14-1).
- 35           (3) Indiana state board of health facility administrators  
 36 (IC 25-19-1).
- 37           (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 38           (5) Indiana state board of nursing (IC 25-23-1).
- 39           (6) Indiana optometry board (IC 25-24).
- 40           (7) Indiana board of pharmacy (IC 25-26).
- 41           (8) Board of podiatric medicine (IC 25-29-2-1).
- 42           (9) Board of environmental health specialists (IC 25-32).



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- 1 (10) Speech-language pathology and audiology board  
2 (IC 25-35.6-2).
- 3 (11) State psychology board (IC 25-33).
- 4 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 5 (13) Controlled substances advisory committee (IC 35-48-2-1).
- 6 (14) Committee of hearing aid dealer examiners (IC 25-20).
- 7 (15) Indiana physical therapy committee (IC 25-27).
- 8 (16) Respiratory care committee (IC 25-34.5).
- 9 (17) Occupational therapy committee (IC 25-23.5).
- 10 (18) Social worker, marriage and family therapist, and mental  
11 health counselor board (IC 25-23.6).
- 12 (19) Physician assistant committee (IC 25-27.5).
- 13 (20) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- 14 (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- 15 (22) Indiana hypnotist committee ( IC 25-20.5-1-7).
- 16 **(23) Indiana midwifery board (IC 25-23.2-2).**
- 17 (b) Nothing in this chapter may be construed to give the bureau  
18 policy making authority, which authority remains with each board.
- 19 SECTION 7. IC 25-22.5-1-2, AS AMENDED BY P.L.227-1995,  
20 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 1998]: Sec. 2. (a) This article, as it relates to the unlawful or  
22 unauthorized practice of medicine or osteopathic medicine, does not  
23 apply to any of the following:
- 24 (1) A student in training in a medical school approved by the  
25 board, or while performing duties as an intern or a resident in a  
26 hospital under the supervision of the hospital's staff or in a  
27 program approved by the medical school.
- 28 (2) A person who renders service in case of emergency where no  
29 fee or other consideration is contemplated, charged, or received.
- 30 (3) Commissioned medical officers or medical service officers of  
31 the armed forces of the United States, the United States Public  
32 Health Service, and medical officers of the United States  
33 Department of Veterans Affairs in the discharge of their official  
34 duties in Indiana.
- 35 (4) An individual who is not a licensee who resides in another  
36 state or country and is authorized to practice medicine or  
37 osteopathic medicine there, who is called in for consultation by an  
38 individual licensed to practice medicine or osteopathic medicine  
39 in Indiana.
- 40 (5) A person administering a domestic or family remedy to a  
41 member of the person's family.
- 42 (6) A member of a church practicing the religious tenets of the

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- 1 church if the member does not make a medical diagnosis,  
2 prescribe or administer drugs or medicines, perform surgical or  
3 physical operations, or assume the title of or profess to be a  
4 physician.
- 5 (7) A school corporation and a school employee who acts under  
6 IC 34-4-16.5-3.5.
- 7 (8) A chiropractor practicing the chiropractor's profession under  
8 IC 25-10 or to an employee of a chiropractor acting under the  
9 direction and supervision of the chiropractor under IC 25-10-1-13.
- 10 (9) A dental hygienist practicing the dental hygienist's profession  
11 under IC 25-13.
- 12 (10) A dentist practicing the dentist's profession under IC 25-14.
- 13 (11) A hearing aid dealer practicing the hearing aid dealer's  
14 profession under IC 25-20.
- 15 (12) A nurse practicing the nurse's profession under IC 25-23.  
16 However, a registered nurse may administer anesthesia if the  
17 registered nurse acts under the direction of and in the immediate  
18 presence of a physician and holds a certificate of completion of a  
19 course in anesthesia approved by the American Association of  
20 Nurse Anesthetists or a course approved by the board.
- 21 (13) An optometrist practicing the optometrist's profession under  
22 IC 25-24.
- 23 (14) A pharmacist practicing the pharmacist's profession under  
24 IC 25-26.
- 25 (15) A physical therapist practicing the physical therapist's  
26 profession under IC 25-27.
- 27 (16) A podiatrist practicing the podiatrist's profession under  
28 IC 25-29.
- 29 (17) A psychologist practicing the psychologist's profession under  
30 IC 25-33.
- 31 (18) A speech-language pathologist or audiologist practicing the  
32 pathologist's or audiologist's profession under IC 25-35.6.
- 33 (19) An employee of a physician or group of physicians who  
34 performs an act, a duty, or a function that is customarily within  
35 the specific area of practice of the employing physician or group  
36 of physicians, if the act, duty, or function is performed under the  
37 direction and supervision of the employing physician or a  
38 physician of the employing group within whose area of practice  
39 the act, duty, or function falls. An employee may not make a  
40 diagnosis or prescribe a treatment and must report the results of  
41 an examination of a patient conducted by the employee to the  
42 employing physician or the physician of the employing group

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1 under whose supervision the employee is working. An employee  
 2 may not administer medication without the specific order of the  
 3 employing physician or a physician of the employing group.  
 4 Unless an employee is licensed or registered to independently  
 5 practice in a profession described in subdivisions (8) through  
 6 (17), nothing in this subsection grants the employee independent  
 7 practitioner status or the authority to perform patient services in  
 8 an independent practice in a profession.

9 (20) A hospital licensed under IC 16-21 or IC 12-25.

10 (21) A health care organization whose members, shareholders, or  
 11 partners are individuals, partnerships, corporations, facilities, or  
 12 institutions licensed or legally authorized by this state to provide  
 13 health care or professional services as:

14 (A) a physician;

15 (B) a psychiatric hospital;

16 (C) a hospital;

17 (D) a health maintenance organization or limited service  
 18 health maintenance organization;

19 (E) a health facility;

20 (F) a dentist;

21 (G) a registered or licensed practical nurse;

22 (H) a **certified nurse midwife or licensed certified**  
 23 **professional midwife;**

24 (I) an optometrist;

25 (J) a podiatrist;

26 (K) a chiropractor;

27 (L) a physical therapist; or

28 (M) a psychologist.

29 (22) A physician assistant practicing the physician assistant's  
 30 profession under IC 25-27.5.

31 (b) A person described in subsection (a)(8) through (a)(17) is not  
 32 excluded from the application of this article if:

33 (1) the person performs an act that an Indiana statute does not  
 34 authorize the person to perform; and

35 (2) the act qualifies in whole or in part as the practice of medicine  
 36 or osteopathic medicine.

37 (c) An employment or other contractual relationship between an  
 38 entity described in subsection (a)(20) through (a)(21) and a licensed  
 39 physician does not constitute the unlawful practice of medicine under  
 40 this article if the entity does not direct or control independent medical  
 41 acts, decisions, or judgment of the licensed physician. However, if the  
 42 direction or control is done by the entity under IC 34-4-12.6, the entity

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1 is excluded from the application of this article as it relates to the  
2 unlawful practice of medicine or osteopathic medicine.

3 (d) This subsection does not apply to a prescription or drug order for  
4 a legend drug that is filled or refilled in a pharmacy owned or operated  
5 by a hospital licensed under IC 16-21. A physician licensed in Indiana  
6 who permits or authorizes a person to fill or refill a prescription or drug  
7 order for a legend drug except as authorized in IC 16-42-19-11 through  
8 IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A  
9 person who violates this subsection commits the unlawful practice of  
10 medicine under this chapter.

11 (e) A person described in subsection (a)(7) shall not be authorized  
12 to dispense contraceptives or birth control devices.

13 SECTION 8. IC 25-22.5-8-2 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 2. (a) A person who  
15 violates this article by unlawfully practicing medicine or osteopathic  
16 medicine commits a Class C felony.

17 ~~(b) A person who practices midwifery without the license required~~  
18 ~~under this article commits a Class D felony.~~

19 ~~(c) A person who acts as a physician's assistant without registering~~  
20 ~~with the board as required under this article commits a Class D felony.~~

21 SECTION 9. IC 25-23-1-1 IS AMENDED TO READ AS  
22 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 1. As used in this  
23 chapter:

24 (a) "Board" means the Indiana state board of nursing.

25 (b) "Advanced practice nurse" means:

- 26 (1) a nurse practitioner;  
27 (2) a **certified** nurse midwife; or  
28 (3) a clinical nurse specialist;

29 who is a registered nurse qualified to practice nursing in a specialty  
30 role based upon the additional knowledge and skill gained through a  
31 formal organized program of study and clinical experience, or the  
32 equivalent as determined by the board, which does not limit but  
33 extends or expands the function of the nurse which may be initiated by  
34 the client or provider in settings that shall include hospital outpatient  
35 clinics and health maintenance organizations.

36 (c) "Human response" means those signs, symptoms, behaviors, and  
37 processes that denote the individual's interaction with the environment.

38 SECTION 10. IC 25-23-1-13.1 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 13.1. (a) An applicant  
40 who desires to practice **certified nurse** midwifery shall present to the  
41 board the applicant's license as a registered nurse and a diploma earned  
42 by the applicant from a school of midwifery approved or licensed by



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1 the board or licensing agency for midwives that is located in any state.

2 (b) The applicant shall submit to an examination in **certified nurse**  
 3 midwifery prescribed or administered by the board. If the application  
 4 and qualifications are approved by the board, the applicant is entitled  
 5 to receive a limited license that allows the applicant to practice  
 6 midwifery **as a certified nurse midwife.**

7 (c) The board shall adopt rules under IC 25-23-1-7:

8 (1) defining the scope of practice ~~for midwifery;~~ **of a certified**  
 9 **nurse midwife;** and

10 (2) for implementing this section.

11 SECTION 11. IC 25-23.2 IS ADDED TO THE INDIANA CODE  
 12 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY  
 13 1, 1998]:

14 **ARTICLE 23.2. LICENSED CERTIFIED PROFESSIONAL**  
 15 **MIDWIVES**

16 **Chapter 1. Definitions**

17 **Sec. 1. The definitions in this chapter apply throughout this**  
 18 **article.**

19 **Sec. 2. "Antepartum period" means the period that begins when**  
 20 **a woman becomes pregnant and ends when the birthing period**  
 21 **begins.**

22 **Sec. 3. "Board" refers to the Indiana midwifery board**  
 23 **established by IC 25-23.2-2-1.**

24 **Sec. 4. (a) "Certified professional midwife" or "CPM" means an**  
 25 **individual who has completed and passed the credentialing process**  
 26 **as administered by the North American Registry of Midwives or a**  
 27 **successor organization.**

28 **(b) The term does not include any of the following:**

29 **(1) An individual engaged in the practice of medicine under**  
 30 **IC 25-22.5.**

31 **(2) A certified nurse midwife engaged in the practice of**  
 32 **midwifery only under IC 25-23.**

33 **(3) An individual providing emergency medical services.**

34 **Sec. 5. "Intrapartum period" means the period of time that**  
 35 **begins when a woman starts labor and ends when the woman gives**  
 36 **birth.**

37 **Sec. 6. "Licensed certified professional midwife" means a**  
 38 **certified professional midwife who is granted a license under this**  
 39 **article.**

40 **Sec. 7. "Midwifery" means the professional acts of a certified**  
 41 **professional midwife when the certified professional midwife**  
 42 **advises, attends, or assists a woman during pregnancy, labor,**



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1 natural childbirth, and the postpartum period.

2 Sec. 8. "Postpartum period" means the six (6) week period after  
3 a birth.

4 Chapter 2. The Indiana Midwifery Board

5 Sec. 1. The Indiana midwifery board is established.

6 Sec. 2. The board is comprised of seven (7) members appointed  
7 by the governor as follows:

8 (1) Four (4) members who are licensed certified professional  
9 midwives nominated by the president of the Indiana Midwives  
10 Association.

11 (2) One (1) member who:

12 (A) has an unlimited license to practice medicine in  
13 Indiana; and

14 (B) practices as a family practitioner or pediatrician.

15 (3) One (1) member who is an attorney licensed to practice  
16 law in Indiana.

17 (4) One (1) consumer of home birth services.

18 Sec. 3. (a) The term of each board member is four (4) years.

19 (b) A board member may be reappointed for not more than  
20 three (3) consecutive terms.

21 (c) A board member serves until the board member's successor  
22 is appointed.

23 (d) The board members shall annually select a chairperson and  
24 a vice chairperson from among the board's members.

25 Sec. 4. (a) The board shall meet at least one (1) time each year,  
26 at the call of the chairperson.

27 (b) Four (4) members of the board constitute a quorum.

28 (c) The affirmative vote of four (4) members of the board is  
29 required for the board to take action.

30 Sec. 5. Staff support for the board shall be provided by the  
31 health professions bureau.

32 Sec. 6. The board shall do the following:

33 (1) Oversee the certified professional midwifery licensing  
34 process as:

35 (A) developed by the Midwifery Education and  
36 Accreditation Council or a successor organization;

37 (B) sponsored by the Midwives Alliance of North America  
38 or a successor organization; and

39 (C) administered by the North American Registry of  
40 Midwives or a successor organization.

41 (2) Establish the CPM credential as a basis for licensure.

42 (3) Establish fees for the examination and licensure of

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- certified professional midwives.
- (4) Establish annual continuing education requirements for license renewal.
- (5) Oversee the peer review procedure as established by:
  - (A) the Indiana Midwives Association or a successor organization; and
  - (B) the Midwives Alliance of North America or a successor organization.
- (6) Prescribe informed consent and other relevant forms.
- (7) Establish requirements for apprentice licensing.

Sec. 7. The board shall adopt rules under IC 4-22-2 to administer this article.

**Chapter 3. Certified Professional Midwifery Licensing**

Sec. 1. To become a licensed certified professional midwife, an applicant must satisfy all of the following requirements:

- (1) Be at least twenty-one (21) years of age.
- (2) Satisfactorily complete educational and practical requirements as stated in the CPM credentialing process in accordance with the standards of the North American Registry of Midwives or a successor organization.
- (3) Acquire and document practical experience as outlined in the CPM credentialing process in accordance with the standards of the North American Registry of Midwives or a successor organization.
- (4) Obtain certification by the American Heart Association in adult cardiopulmonary resuscitation.
- (5) Complete the program sponsored by the American Heart Association and the American Academy of Pediatrics in neonatal resuscitation, excluding endotracheal intubation and the administration of drugs.
- (6) Provide proof to the board that the applicant has obtained the CPM credential as administered by the North American Registry of Midwives or a successor organization.

Sec. 2. The board may require an oral interview with the applicant to assess the applicant's fitness to practice midwifery.

Sec. 3. The board shall grant a license to practice certified professional midwifery to an applicant who satisfies the requirements of section 1 of this chapter.

Sec. 4. (a) The board may grant an apprentice license to an applicant.

(b) An individual who holds an apprentice license must work under the personal supervision of one (1) of the following:

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- 1           (1) An individual who is a licensed certified professional
- 2           midwife.
- 3           (2) An individual who has applied to become a licensed
- 4           certified professional midwife.
- 5           (3) A certified nurse midwife.
- 6           (4) A physician with an unlimited license to practice medicine
- 7           in Indiana.
- 8           (c) An apprentice license:
- 9           (1) is valid for one (1) year from the date of issuance or
- 10          renewal; and
- 11          (2) may be renewed not more than five (5) times.
- 12          (d) An individual who holds an apprentice license may perform
- 13          the same work that a licensed certified professional midwife may
- 14          perform.
- 15          Sec. 5. The board:
- 16          (1) shall adopt rules under IC 4-22-2 to set the fees for
- 17          issuance of a license under this article; and
- 18          (2) may adopt rules under IC 4-22-2 to set other fees the
- 19          board considers necessary to administer this article.
- 20          Sec. 6. Only an individual is a licensed certified professional
- 21          midwife under this article may use the title "licensed certified
- 22          professional midwife".
- 23          Sec. 7. The board may deny, suspend, or revoke a license issued
- 24          under this article to an individual who does any of the following:
- 25          (1) Uses alcohol or drugs to a degree that impairs the
- 26          individual's practice of midwifery.
- 27          (2) Engages in unprofessional conduct as defined by the
- 28          board's rules.
- 29          (3) Is found guilty of gross negligence arising from the
- 30          practice of midwifery.
- 31          (4) Obtains a certified professional midwifery license through
- 32          fraud.
- 33          (5) Violates this article or a rule adopted under this article by
- 34          the board.
- 35          Sec. 8. The board shall provide notice and a hearing under
- 36          IC 4-21.5 to an individual licensed under this article before the
- 37          board may deny, suspend, or revoke a license under section 7 of
- 38          this chapter.
- 39          Sec. 9. The board may impose a civil penalty of not more than
- 40          five hundred dollars (\$500) upon an individual licensed under this
- 41          article who commits an act or makes an omission described in
- 42          section 7 of this chapter.

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1           **Sec. 10.** The board may issue a license to an individual who is  
2 licensed as a midwife in another state with requirements that the  
3 board determines are at least equal to the licensing requirements  
4 of this article.

5           **Sec. 11.** An individual who knowingly or intentionally practices  
6 midwifery without a license required under this article commits a  
7 Class B misdemeanor.

8           **Chapter 4. Informed Consent for the Practice of Certified**  
9 **Professional Midwifery**

10          **Sec. 1.** All of the following must occur before a licensed certified  
11 professional midwife may accept a client for midwifery care:

- 12           (1) The licensed certified professional midwife must provide
- 13           the potential client with an informed disclosure of practice
- 14           form prescribed by the board under section 3 of this chapter.
- 15           (2) The potential client must sign and date the form.
- 16           (3) The licensed certified professional midwife must sign and
- 17           date the form.
- 18           (4) If the potential client refuses a procedure or treatment
- 19           required by law, the potential client must so indicate on a
- 20           separate procedure or treatment form.

21          **Sec. 2.** A licensed certified professional midwife may not  
22 perform a specific procedure or treatment that is not described on  
23 the informed disclosure of practice form described in section 1 of  
24 this chapter until both of the following occur:

- 25           (1) The specific procedure or treatment is disclosed to the
- 26           client in writing on a form separate from the informed
- 27           disclosure of practice form.
- 28           (2) The client agrees to the procedure by signing the
- 29           procedure or treatment form.

30          **Sec. 3.** (a) The board shall prescribe the form for the informed  
31 disclosure of practice.

32           (b) The informed disclosure of practice form must be in writing  
33 and must contain the following information:

- 34           (1) A description of the licensed certified professional
- 35           midwife's education and training in midwifery, including
- 36           completed continuing education and peer review process.
- 37           (2) The licensed certified professional midwife's experience
- 38           level in the field of midwifery.
- 39           (3) The licensed certified professional midwife's philosophy of
- 40           practice.
- 41           (4) Antepartum, intrapartum, and postpartum conditions
- 42           requiring consultation, transfer of care, and transport to a

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- 1           **hospital.**
- 2           **(5) A medical backup plan.**
- 3           **(6) The services to be provided to the client by the licensed**
- 4           **certified professional midwife.**
- 5           **(7) The licensed certified professional midwife's current legal**
- 6           **status and pertinent legal ramifications.**
- 7           **(8) A detailed explanation of treatments and procedures.**
- 8           **(9) A detailed description of the risks and expected benefits of**
- 9           **midwifery care.**
- 10          **(10) Discussion of possible alternative procedures and**
- 11          **treatments and the risks and benefits of those procedures and**
- 12          **treatments.**
- 13          **(11) The availability of a grievance process in a case where a**
- 14          **client is dissatisfied with the performance of a licensed**
- 15          **certified professional midwife.**
- 16          **(12) A statement that the liability of a health care provider (as**
- 17          **defined in IC 27-12-2-14) in rendering care in an emergency**
- 18          **to a woman who is under the care of a licensed certified**
- 19          **professional midwife or an individual who holds an apprentice**
- 20          **license is limited to damages arising from:**
- 21                **(A) the gross negligence; or**
- 22                **(B) willful or wanton acts or omissions;**
- 23                **of the health care provider.**
- 24          **Sec. 4. A licensed certified professional midwife may not disclose**
- 25          **information obtained from a client during a consultation while**
- 26          **acting in a professional capacity except under the following**
- 27          **conditions:**
- 28                **(1) The client or the client's personal representative or**
- 29                **guardian provides written consent.**
- 30                **(2) The information concerns the commission of a crime or**
- 31                **the threat of imminent danger.**
- 32                **(3) The client:**
- 33                    **(A) is a minor and is the victim of a crime;**
- 34                    **(B) brings a cause of action against the midwife;**
- 35                    **(C) waives the privilege; or**
- 36                    **(D) is seeking emergency care.**
- 37                **(4) Any other condition allowed by law.**
- 38          **Sec. 5. (a) A licensed certified professional midwife shall provide**
- 39          **semiannual reports to the board regarding each birth that the**
- 40          **licensed certified professional midwife assists. The report must**
- 41          **summarize the following:**
- 42                **(1) Vital statistics, using a statistical form from the Midwives**

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- 1 Alliance of North America or a successor organization.
- 2 (2) Scope of care.
- 3 (3) Transport information.
- 4 (4) Physician referral.

5 (b) The identity of each client referred to in a report under  
6 subsection (a) must remain confidential.

7 Chapter 5. Collaborative Plans of Treatment

8 Sec. 1. A licensed certified professional midwife may provide  
9 services to an at-risk client (as defined in standards provided by  
10 the North American Registry of Midwives or a successor  
11 organization) under this article during the client's antepartum,  
12 intrapartum, and postpartum periods if the licensed certified  
13 professional midwife has entered into a collaborative plan of  
14 treatment with a physician licensed under IC 25-22.5.

15 Sec. 2. A collaborative plan of treatment under section 1 of this  
16 chapter must:

- 17 (1) be in writing; and
- 18 (2) include the following:
  - 19 (A) Provisions stating the circumstances requiring
  - 20 consultation or referral.
  - 21 (B) Provisions stating the circumstances requiring transfer
  - 22 of responsibility for the primary care of the client.
  - 23 (C) Provisions stating the services to be provided by the
  - 24 licensed certified professional midwife and the licensed
  - 25 physician.

26 Chapter 6. Right to Midwifery Services

27 Sec. 1. Except as otherwise provided by law, an individual is  
28 entitled to:

- 29 (1) give birth in the presence of; and
- 30 (2) receive assistance during the birth process from;
- 31 a midwife.

32 SECTION 12. IC 27-12-2-14, AS AMENDED BY P.L.26-1994,  
33 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 1998]: Sec. 14. "Health care provider" means any of the  
35 following:

- 36 (1) An individual, a partnership, a limited liability company, a
- 37 corporation, a professional corporation, a facility, or an institution
- 38 licensed or legally authorized by this state to provide health care
- 39 or professional services as a physician, psychiatric hospital,
- 40 hospital, health facility, emergency ambulance service
- 41 (IC 16-18-2-107), dentist, registered or licensed practical nurse,
- 42 physician assistant, **certified nurse midwife, licensed certified**

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1 **professional midwife**, optometrist, podiatrist, chiropractor,  
 2 physical therapist, respiratory care practitioner, occupational  
 3 therapist, psychologist, paramedic, emergency medical technician,  
 4 or advanced emergency medical technician, or a person who is an  
 5 officer, employee, or agent of the individual, partnership,  
 6 corporation, professional corporation, facility, or institution acting  
 7 in the course and scope of the person's employment.

8 (2) A college, university, or junior college that provides health  
 9 care to a student, faculty member, or employee, and the governing  
 10 board or a person who is an officer, employee, or agent of the  
 11 college, university, or junior college acting in the course and  
 12 scope of the person's employment.

13 (3) A blood bank, community mental health center, community  
 14 mental retardation center, community health center, or migrant  
 15 health center.

16 (4) A home health agency (as defined in IC 16-27-1-2).

17 (5) A health maintenance organization (as defined in  
 18 IC 27-13-1-19).

19 (6) A health care organization whose members, shareholders, or  
 20 partners are health care providers under subdivision (1).

21 (7) A corporation, limited liability company, partnership, or  
 22 professional corporation not otherwise qualified under this section  
 23 that:

24 (A) as one (1) of its functions, provides health care;

25 (B) is organized or registered under state law; and

26 (C) is determined to be eligible for coverage as a health care  
 27 provider under this article for its health care function.

28 Coverage for a health care provider qualified under this  
 29 subdivision is limited to its health care functions and does not  
 30 extend to other causes of action.

31 SECTION 13. IC 27-12-2-19 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19. "**Certified nurse**  
 33 **midwife**" means a registered nurse who holds a limited license to  
 34 practice midwifery under IC 25-23-1-13.1.

35 SECTION 14. [EFFECTIVE JULY 1, 1998] (a) **Not later than July**  
 36 **1, 1999, the office of the secretary of family and social services,**  
 37 **with the assistance of the office of Medicaid policy and planning,**  
 38 **shall adopt rules under IC 4-22-2 to allow a licensed certified**  
 39 **professional midwife who holds a license issued under IC 25-23.2,**  
 40 **as added by this act, to receive Medicaid reimbursement for**  
 41 **services rendered by the licensed certified professional midwife**  
 42 **that the licensed certified professional midwife is authorized to**



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**perform under the law.**

**(b) This SECTION expires July 1, 2000.**

**SECTION 15. [EFFECTIVE JULY 1, 1998] (a) Not later than July 1, 1999, the Indiana midwifery board, with the assistance of the Indiana department of insurance, shall adopt rules under IC 4-22-2 to allow a licensed certified professional midwife who holds a license issued under IC 25-23.2, as added by this act, to receive reimbursement from an insurance company or third party payor for services rendered by the licensed certified professional midwife that the licensed certified professional midwife is authorized to perform under the law.**

**(b) This SECTION expires July 1, 2000.**

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