HOUSE BILL No. 1737

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2-163; IC 16-34-2-1.1; IC 16-37-2; IC 16-38-4-9; IC 25-1-5-3; IC 25-22.5; IC 25-23-1; IC 25-23.2; IC 34-6-2-81; IC 34-18-2.

Synopsis: Licensure of midwives. Establishes the Indiana midwifery board. Sets qualifications for a licensed certified professional midwife (CPM) including completion of the CPM credentialing process as administered by the North American Registry of Midwives. Allows for apprenticeship licensing. Makes it a Class B misdemeanor to practice midwifery without a license. Provides the required elements of informed disclosure that a licensed CPM must provide to a potential client before the midwife accepts the client for midwifery care. Requires a licensed CPM to have a written collaborative plan of treatment with a licensed physician to provide services to at-risk clients. Provides that an individual is entitled to give birth in the

(Continued next page)

Effective: July 1, 1999.

Welch, Brown C, Kruzan, Kruse

January 26, 1999, read first time and referred to Committee on Public Health.

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Digest Continued

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 CPMs. Requires the Indiana midwifery board and the department of insurance to adopt rules providing for insurance and third party payor reimbursement for licensed CPMs. Makes conforming amendments.

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1737

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:

SECTION 1. IC 16-18-2-163 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a **certified nurse** midwife, **a licensed certified professional midwife, a licensed midwife apprentice,** an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, or an advanced

emergency technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

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

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

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

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

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

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

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

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

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

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

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

SECTION 2. IC 16-34-2-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1.1. An abortion shall not be performed except with the voluntary and informed consent of the pregnant woman upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the following conditions are met:

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

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defined in IC 25-23-1-1(b)), **a licensed certified professional midwife (as defined in IC 25-23.2-1-6),** ~~or~~ a **certified nurse** midwife (as defined in IC 34-18-2-6.5)**, or a licensed midwife apprentice (as defined in IC 25-23.2-1-7)** to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has orally informed the pregnant woman of the following:

(A) The name of the physician performing the abortion.

(B) The nature of the proposed procedure or treatment.

(C) The risks of and alternatives to the procedure or treatment.

(D) The probable gestational age of the fetus, including an offer to provide:

(i) a picture or drawing of a fetus;

(ii) the dimensions of a fetus; and

(iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

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

(A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of family and children.

(B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.

(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

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

SECTION 3. IC 16-37-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter, "person in attendance at birth" means one (1) of the following:

(1) A licensed attending physician.

(2) ~~An attending~~ **A licensed certified professional** midwife, **a licensed midwife apprentice,** or **a certified** nurse midwife.

(3) Another individual who:

(A) holds a license of the type designated by the governing board of a hospital, after consultation with the hospital's

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medical staff, to attend births at the hospital; and

(B) is in attendance at the birth.

SECTION 4. IC 16-37-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 4. A local health officer may accept a certificate of birth presented for filing not more than four (4) years after the birth occurred if the attending physician, **certified nurse midwife, licensed certified professional** midwife, **licensed midwife apprentice,** or other person desiring to file the certificate states the reason for the delay in writing. This statement shall be made a part of the certificate of birth.

SECTION 5. IC 16-38-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 9. (a) Physicians, **certified** nurse midwives, **licensed certified professional midwives, licensed midwife apprentices,** local health departments, and hospitals shall report each confirmed case of a birth problem to the registry not later than sixty (60) days after the birth. Information may be provided to amend or clarify an earlier reported case.

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

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

SECTION 6. IC 25-1-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) There is established the health professions bureau. The bureau shall perform all administrative functions, duties, and responsibilities assigned by law or rule to the executive director, secretary, or other statutory administrator of the following:

(1) Board of chiropractic examiners (IC 25-10-1).

(2) State board of dental examiners (IC 25-14-1).

(3) Indiana state board of health facility administrators (IC 25-19-1).

(4) Medical licensing board of Indiana (IC 25-22.5-2).

(5) Indiana state board of nursing (IC 25-23-1).

(6) Indiana optometry board (IC 25-24).

(7) Indiana board of pharmacy (IC 25-26).

(8) Board of podiatric medicine (IC 25-29-2-1).

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(9) Board of environmental health specialists (IC 25-32).
(10) Speech-language pathology and audiology board (IC 25-35.6-2).
(11) State psychology board (IC 25-33).
(12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
(13) Controlled substances advisory committee (IC 35-48-2-1).
(14) Committee of hearing aid dealer examiners (IC 25-20).
(15) Indiana physical therapy committee (IC 25-27).
(16) Respiratory care committee (IC 25-34.5).
(17) Occupational therapy committee (IC 25-23.5).
(18) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
(19) Physician assistant committee (IC 25-27.5).
(20) Indiana athletic trainers board (IC 25-5.1-2-1).
(21) Indiana dietitians certification board (IC 25-14.5-2-1).
(22) Indiana hypnotist committee (IC 25-20.5-1-7).
(23) Indiana midwifery board (IC 25-23.2-2).

(b) Nothing in this chapter may be construed to give the bureau policy making authority, which authority remains with each board.

SECTION 7. IC 25-22.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

(1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
(2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
(3) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
(4) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
(5) A person administering a domestic or family remedy to a member of the person's family.
(6) A member of a church practicing the religious tenets of the

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church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(7) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(8) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(9) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(10) A dentist practicing the dentist's profession under IC 25-14.

(11) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(12) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.

(13) An optometrist practicing the optometrist's profession under IC 25-24.

(14) A pharmacist practicing the pharmacist's profession under IC 25-26.

(15) A physical therapist practicing the physical therapist's profession under IC 25-27.

(16) A podiatrist practicing the podiatrist's profession under IC 25-29.

(17) A psychologist practicing the psychologist's profession under IC 25-33.

(18) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(19) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group

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

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

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

(A) a physician;

(B) a psychiatric hospital;

(C) a hospital;

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

(E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

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

(I) a licensed midwife apprentice while performing duties under the supervision of:

(i) a licensed certified professional midwife;

(ii) an individual who has applied to become a licensed certified professional midwife;

(iii) a certified nurse midwife; or

(iv) a physician with an unlimited license to practice medicine in Indiana;

~~(I)~~ **(J)** an optometrist;

~~(J)~~ **(K)** a podiatrist;

~~(K)~~ **(L)** a chiropractor;

~~(L)~~ **(M)** a physical therapist; or

~~(M)~~ **(N)** a psychologist.

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

(23) A physician providing medical treatment under IC 25-22.5-1-2.1.

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

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

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

(c) An employment or other contractual relationship between an entity described in subsection (a)(20) through (a)(21) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

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

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

SECTION 8. IC 25-22.5-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) A person who violates this article by unlawfully practicing medicine or osteopathic medicine commits a Class C felony.

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

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

SECTION 9. IC 25-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. As used in this chapter:

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

(b) "Advanced practice nurse" means:

(1) a nurse practitioner;

(2) a **certified** nurse midwife; or

(3) a clinical nurse specialist;

who is a registered nurse qualified to practice nursing in a specialty role based upon the additional knowledge and skill gained through a formal organized program of study and clinical experience, or the

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equivalent as determined by the board, which does not limit but extends or expands the function of the nurse which may be initiated by the client or provider in settings that shall include hospital outpatient clinics and health maintenance organizations.

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

SECTION 10. IC 25-23-1-13.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 13.1. (a) An applicant who desires to practice **certified nurse** midwifery shall present to the board the applicant's license as a registered nurse and a diploma earned by the applicant from a school of midwifery approved or licensed by the board or licensing agency for midwives that is located in any state.

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

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

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

(2) for implementing this section.

SECTION 11. IC 25-23.2 IS ADDED TO THE INDIANA CODE AS A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]:

ARTICLE 23.2. LICENSED CERTIFIED PROFESSIONAL MIDWIVES

Chapter 1. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

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

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

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

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

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

(2) A certified nurse midwife engaged in the practice of

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midwifery only under IC 25-23.

(3) An individual providing emergency medical services.

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

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

Sec. 7. "Licensed midwife apprentice" means an individual who is granted an apprentice license under this article.

Sec. 8. "Midwifery" means the professional acts of a certified professional midwife when the certified professional midwife advises, attends, or assists a woman during pregnancy, labor, natural childbirth, and the postpartum period.

Sec. 9. "Postpartum period" means the six (6) week period after a birth.

Chapter 2. The Indiana Midwifery Board

Sec. 1. The Indiana midwifery board is established.

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

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

(2) One (1) member who:

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

(B) practices as a family practitioner or pediatrician.

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

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

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

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

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

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

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

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

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

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

Sec. 6. The board shall do the following:

(1) Oversee the certified professional midwifery credentialing process as:

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

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

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

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

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

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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:

(1) An individual who is a licensed certified professional midwife.

(2) An individual who has applied to become a licensed certified professional midwife.

(3) A certified nurse midwife.

(4) A physician with an unlimited license to practice medicine in Indiana.

(c) An apprentice license:

(1) is valid for one (1) year from the date of issuance or renewal; and

(2) may be renewed not more than five (5) times.

(d) An individual who holds an apprentice license may perform the same work that a licensed certified professional midwife may perform.

Sec. 5. The board:

(1) shall adopt rules under IC 4-22-2 to set the fees for issuance of a license under this article; and

(2) may adopt rules under IC 4-22-2 to set other fees the board considers necessary to administer this article.

Sec. 6. Only an individual who is a licensed certified professional midwife under this article may use the title "licensed certified professional midwife".

Sec. 7. The board may deny, suspend, or revoke a license issued under this article to an individual who does any of the following:

(1) Uses alcohol or drugs to a degree that impairs the individual's practice of midwifery.

(2) Engages in unprofessional conduct as defined by the board's rules.

(3) Commits an act constituting gross negligence arising from

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the practice of midwifery.

(4) Obtains a certified professional midwifery license through fraud.

(5) Violates this article or a rule adopted under this article by the board.

Sec. 8. The board shall provide notice and a hearing under IC 4-21.5 to an individual licensed under this article before the board may deny, suspend, or revoke a license under section 7 of this chapter.

Sec. 9. The board may impose a civil penalty of not more than five hundred dollars ($500) upon an individual licensed under this article who commits an act or makes an omission described in section 7 of this chapter.

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

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

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

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

(1) The licensed certified professional midwife must provide the potential client with an informed disclosure of practice form prescribed by the board under section 3 of this chapter.

(2) The potential client must sign and date the form.

(3) The licensed certified professional midwife must sign and date the form.

(4) If the potential client refuses a procedure or treatment required by law, the potential client must so indicate on a separate procedure or treatment form.

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

(1) The specific procedure or treatment is disclosed to the client in writing on a form separate from the informed disclosure of practice form.

(2) The client agrees to the procedure by signing the procedure or treatment form.

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

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

(1) A description of the licensed certified professional midwife's education and training in midwifery, including completion of continuing education courses and participation in the peer review process.

(2) The licensed certified professional midwife's experience level in the field of midwifery.

(3) The licensed certified professional midwife's philosophy of practice.

(4) Antepartum, intrapartum, and postpartum conditions requiring consultation, transfer of care, and transport to a hospital.

(5) A medical backup plan.

(6) The services to be provided to the client by the licensed certified professional midwife.

(7) The licensed certified professional midwife's current licensure status and pertinent legal ramifications.

(8) A detailed explanation of treatments and procedures.

(9) A detailed description of the risks and expected benefits of midwifery care.

(10) Discussion of possible alternative procedures and treatments and the risks and benefits of those procedures and treatments.

(11) The availability of a grievance process in a case in which a client is dissatisfied with the performance of a licensed certified professional midwife.

(12) A statement that the liability of a health care provider (as defined in IC 34-18-2-14 or IC 27-12-2-14 before its repeal) in rendering care in an emergency to a woman who is under the care of a licensed certified professional midwife or an individual who holds an apprentice license is limited to damages arising from:

(A) the gross negligence; or

(B) willful or wanton acts or omissions;

of the health care provider.

Sec. 4. A licensed certified professional midwife may not disclose information obtained from a client during a professional consultation except under the following conditions:

(1) The client or the client's personal representative or

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guardian provides written consent.

(2) The information concerns the commission of a crime or the threat of imminent danger.

(3) The client:

(A) is a minor and is the victim of a crime;

(B) brings a cause of action against the midwife;

(C) waives the privilege; or

(D) is seeking emergency care.

(4) Any other condition allowed by law.

Sec. 5. (a) A licensed certified professional midwife shall provide semiannual reports to the board regarding each birth that the licensed certified professional midwife assists. The report must summarize the following:

(1) Vital statistics, using a statistical form from the Midwives Alliance of North America or a successor organization.

(2) Scope of care.

(3) Transport information.

(4) Physician referral.

(b) A licensed certified professional midwife shall not reveal the identity of the clients referred to in a report under subsection (a).

Chapter 5. Collaborative Plans of Treatment

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

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

(1) be in writing; and

(2) include the following:

(A) Provisions stating the circumstances that would require consultation or referral.

(B) Provisions stating the circumstances that would require transfer of responsibility for the primary care of the client.

(C) Provisions stating the services to be provided by the licensed certified professional midwife and the licensed physician.

Chapter 6. Right to Midwifery Services

Sec. 1. Except as otherwise provided by law, an individual is

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entitled to:

(1) give birth in the presence of; and

(2) receive assistance during the birth process from;

a midwife.

SECTION 12. IC 34-6-2-81 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 81. "Midwife", for purposes of IC 34-18, has the meaning set forth in ~~IC 34-18-2-19.~~ **IC 34-18-2-6.5.**

SECTION 13. IC 34-18-2-6.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 6.5. "Certified nurse midwife" means a registered nurse who holds a limited license to practice midwifery under IC 25-23-1-13.1.**

SECTION 14. IC 34-18-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 14. "Health care provider" means any of the following:

(1) An individual, a partnership, a limited liability company, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a physician, psychiatric hospital, hospital, health facility, emergency ambulance service (IC 16-18-2-107), dentist, registered or licensed practical nurse, physician assistant, **certified nurse** midwife, **licensed certified professional midwife, licensed midwife apprentice,** optometrist, podiatrist, chiropractor, physical therapist, respiratory care practitioner, occupational therapist, psychologist, paramedic, emergency medical technician, or advanced emergency medical technician, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

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

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

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

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

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

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

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

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

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

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

SECTION 15. IC 34-18-2-19 IS REPEALED [EFFECTIVE JULY 1, 1999].

SECTION 16. [EFFECTIVE JULY 1, 1999] **(a) Not later than July 1, 2000, the office of the secretary of family and social services, with the assistance of the office of Medicaid policy and planning, 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 Medicaid reimbursement 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, 2001.

SECTION 17. [EFFECTIVE JULY 1, 1999] **(a) Not later than July 1, 2000, the Indiana midwifery board, with the assistance of the 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, 2001.

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