

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	1

MR. SPEAKER:

*Your Committee on Public Health, to which was referred House Bill 1135, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 6, between lines 23 and 24, begin a new paragraph and insert:
- 2 "SECTION 5. IC 16-37-2-9 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 9. (a) The local health
- 4 officer shall make a permanent record of the following from a birth
- 5 certificate:
- 6 (1) Name.
- 7 (2) Sex.
- 8 (3) Date of birth.
- 9 (4) Place of birth.
- 10 (5) Name of the parents.
- 11 (6) Birthplace of the parents.
- 12 (7) The date of filing of the certificate of birth.
- 13 **(8) The person in attendance at the birth.**

1 (b) Except as provided in subsection (c), the permanent record shall
2 be open to public inspection.

3 (c) The birth record of an adopted child remains subject to the
4 confidentiality provisions of IC 31-19 regarding the release of adoption
5 information."

6 Page 24, line 13, delete "seven (7)" and insert "**nine (9)**".

7 Page 24, line 15, delete "Three (3)" and insert "**Four (4)**".

8 Page 24, between lines 22 and 23, begin a new line block indented
9 and insert:

10 "**(4) One (1) member who is licensed under IC 25-22.5 and**
11 **who practices in the area of pediatrics or family practice.**"

12 Page 24, line 23, delete "(4)" and insert "(5)".

13 Page 24, line 23, delete "public." and insert "**public who is not**
14 **associated with the profession of midwifery or obstetrics other than**
15 **as a consumer.**"

16 Page 25, between lines 28 and 29, begin a new line block indented
17 and insert:

18 "**(6) Adopt rules under IC 4-22-2 requiring a certified direct**
19 **entry midwife to maintain sufficient liability insurance, if the**
20 **board finds:**

21 (A) **liability insurance is available to certified direct entry**
22 **midwives in Indiana; and**

23 (B) **the cost of the liability insurance is comparable to the**
24 **cost of liability insurance for licensed home birth midwives**
25 **in other states.**

26 (7) **Adopt rules under IC 4-22-2 that establish standards for**
27 **an emergency plan of care, including that a plan must allow**
28 **for the timely provision of emergency care at a hospital.**"

29 Page 26, line 24, delete "Observe" and insert "**Comply with the**
30 **birth requirements of the Certified Professional Midwife**
31 **credentialing process, observe an additional**".

32 Page 26, line 40, delete "July 1," and insert "**December 31,**".

33 Page 26, line 42, delete "July 1," and insert "**December 31,**".

34 Page 27, line 1, delete "July 30, 2014." and insert "**January 15,**
35 **2015.**".

36 Page 27, between lines 1 and 2, begin a new paragraph and insert:

37 "**(e) Until the board is prepared to accept and act upon an initial**
38 **application under subsection (d), an individual who:**

- 1 **(1) holds a Certified Professional Midwife credential as**
 2 **administered by the North American Registry of Midwives;**
 3 **and**
 4 **(2) has submitted an initial application with the Indiana**
 5 **professional licensing agency;**
 6 **may engage in the practice of midwifery. An individual's authority**
 7 **to practice midwifery under this subsection expires upon the**
 8 **issuance of a license to the individual or denial of the individual's**
 9 **application by the board. This subsection expires July 1, 2014."**
- 10 Page 27, line 12, delete "four" and insert "**two (2)**".
- 11 Page 27, line 13, delete "(4)".
- 12 Page 27, line 18, after "must" insert "":
- 13 **(1)".**
- 14 Page 27, line 19, delete "board." and insert "**board; and**".
- 15 Page 27, between lines 19 and 20, begin a new line block indented
- 16 and insert:
- 17 **"(2) maintain a Certified Professional Midwife credential."**
- 18 Page 27, line 36, delete "the following:" and insert "**a Class D**
- 19 **felony."**
- 20 Page 27, delete lines 37 through 39.
- 21 Page 27, line 42, after "Sec. 1." insert "**(a)**".
- 22 Page 28, line 12, after "arises." insert "**As part of the emergency**
- 23 **plan, the client must sign a release of the client's medical records**
- 24 **that allows the certified direct entry midwife to provide the client's**
- 25 **medical records to a physician if an emergency arises."**
- 26 Page 28, line 14, after "for" insert "**consultation and**".
- 27 Page 28, between lines 23 and 24, begin a new line block indented
- 28 and insert:
- 29 **"(7) The certified direct entry midwife must provide the client**
- 30 **with a list of options for additional screening and assessments,**
- 31 **including visits to a physician.**
- 32 **(8) The certified direct entry midwife must maintain medical**
- 33 **records on the client through the entire course of care and**
- 34 **transfer the medical records to a treating physician if an**
- 35 **emergency arises."**
- 36 Page 28, line 24, beginning with "The" begin a new paragraph and
- 37 insert:
- 38 **"(b)".**

1 Page 28, line 27, delete "subdivision (6)" and insert "**subsection**
2 **(a)(6)**".

3 Page 29, between lines 32 and 33, begin a new line block indented
4 and insert:

5 "**(14) A statement that the client understands that the client is**
6 **waiving the right to sue a physician or health care provider**
7 **for the acts or omissions of the certified direct entry midwife.**

8 **(15) A statement that under IC 25-23.4-6 a health care**
9 **provider (as defined in IC 34-18-2-14) may not be held jointly**
10 **or severally liable for the acts or omissions of a:**

11 **(A) certified direct entry midwife; or**

12 **(B) licensed physician who has entered into a collaborative**
13 **agreement under IC 25-23.4-5 with a certified direct entry**
14 **midwife;**

15 **for the acts or omissions of the licensed physician while the**
16 **physician assists or collaborates with the certified direct entry**
17 **midwife to perform midwifery."**

18 Page 30, between lines 1 and 2, begin a new paragraph and insert:

19 "**(c) The board shall compile the data from the reports collected**
20 **under subsection (a) and submit the data to the state department**
21 **of health."**

22 Page 30, between lines 18 and 19, begin a new paragraph and insert:

23 "**Sec. 6. After a client has given birth, the certified direct entry**
24 **midwife shall:**

25 **(1) provide the client with a statement indicating that the**
26 **newborn infant should be examined by a pediatrician or**
27 **family practice physician for check-ups beginning within two**

28 **(2) weeks after birth; and**

29 **(2) identify with the client a pediatrician or family practice**
30 **physician for the care of the infant."**

31 Page 30, line 20, after "Sec. 1." insert "**(a) A certified direct entry**
32 **midwife must provide an initial screening of a client that includes**
33 **an assessment of health conditions that require a referral to a**
34 **physician under subsection (b).**

35 **(b)"**.

36 Page 30, between lines 24 and 25, begin a new paragraph and insert:

37 "**(c) The board shall adopt rules under IC 4-22-2 establishing the**
38 **health conditions that require a referral to a physician under**

1 subsection (b)."

2 Page 30, between lines 37 and 38, begin a new paragraph and insert:

3 **"Chapter 6. Liability of Health Care Providers**

4 **Sec. 1. (a) A health care provider (as defined in IC 34-18-2-14)**

5 **may not be held jointly or severally liable for the acts or omissions**

6 **of the client's certified direct entry midwife.**

7 **(b) A physician who enters into a collaborative plan of**

8 **treatment with a certified direct entry midwife under this article**

9 **may not be held jointly or severally liable for the acts or omissions**

10 **of a certified direct entry midwife.**

11 **Sec. 2. (a) This section applies only to the following:**

12 **(1) An employee of a certified direct entry midwife.**

13 **(2) A student, an intern, a trainee, or an apprentice who is:**

14 **(A) pursuing a course of study to gain licensure under this**

15 **article; or**

16 **(B) accumulating the experience required for licensure**

17 **under this article;**

18 **under the supervision of a certified direct entry midwife.**

19 **(b) A person described in subsection (a) may perform an act, a**

20 **duty, or a function of the practice of midwifery that is customarily**

21 **within the specific area of practice of the employing certified direct**

22 **entry midwife if the act, duty, or function is performed under the**

23 **direction and supervision of the employing certified direct entry**

24 **midwife.**

25 **(c) A person described in subsection (a) may not be held jointly**

26 **or severally liable for the acts or omissions of a certified direct**

27 **entry midwife."**

28 Page 30, line 38, delete "Chapter 6. Certified Direct Entry

29 Midwifery" and insert "**Chapter 7. Hospital**".

30 Page 30, between lines 40 and 41, begin a new paragraph and insert:

31 **"Sec. 2. If an infant:**

32 **(1) was delivered in a setting other than a hospital or a**

33 **birthing center (as defined by IC 16-18-2-36.5); and**

34 **(2) is taken to a hospital for care during the postpartum**

35 **period;**

36 **the hospital shall enter information into the infant's medical record**

37 **indicating the specific location of the infant's birth and the name**

38 **of the individual who delivered the infant."**

1 Page 32, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 26. IC 34-30-2-99.7 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2013]: **Sec. 99.7. IC 25-23.4-6-1 (Concerning:**
5 **(1) a health care provider for the errors or omissions of a**
6 **certified direct entry midwife; and**
7 **(2) a physician who enters into a collaborative plan of**
8 **treatment with a certified direct entry midwife).**
9 SECTION 27. IC 34-30-2-99.8 IS ADDED TO THE INDIANA
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2013]: **Sec. 99.8. IC 25-23.4-6-2 (Concerning**
12 **an employee, a student, an intern, a trainee, or an apprentice of a**
13 **certified direct entry midwife)."**
14 Renumber all SECTIONS consecutively.
 (Reference is to HB 1135 as introduced.)

and when so amended that said bill do pass.

Representative Clere