

HOUSE REPUBLICAN STAFF ANALYSIS

Bill: House File 265	House Committee: PASSED on 2/8/23 (24-1)
Committee: Ways and Means	House Floor:
Floor Manager: Rep. Kaufmann	Senate Floor:
Date: March 21, 2023	Governor:
Staff: Kristi Kious (2-5290)	

Midwifery Licensure

- Creates the licensure of midwives and allows licensed midwives to obtain necessary screening and testing for clients, and the administration of specific medication for clients.
- Establishes a board of midwifery to write rules, review licensees' applications, and review complaints.
- **Fiscal note** – General Fund
 - \$216,000 for FY 2024
 - \$123,000 for FY 2025 and after

Section by Section Analysis

Section 1 – Definitions (147.13)

This section adds “midwife” to the list of licensed or certified health-related professions and that “midwifery” is a profession covered under health-related professions.

Section 2 – Designation of boards (147.13)

[New subsection] This section designates the board of midwifery under Health Profession Boards.

Section 3 – Composition of boards — quorum (147.14)

[New paragraph] This section provides that the board of midwifery will consist of 7 members (4 professional midwives eligible for licensure in Iowa, 1 licensed OBGYN with experience consulting with midwives, 1 nurse midwife, and 1 person who has received midwife services representing the general public).

Section 4 – Professional titles or abbreviations – false use prohibited (147.74)

[New subsection] This section provides that licensed midwives may use the words “licensed midwife” or the initials “L.M.” after their names.

Section 5 – Definitions (148l.1)

[New section] This section adds new definitions related to midwifery.

- “Board” means the board of midwifery.
- “Certified nurse midwife” or “CNM” means a registered nurse who holds a current, valid certification from the American midwifery certification board.

- “Certified professional midwife” or “CPM” means a person who holds a current, valid certification with the North American registry of midwives or its successor organization.
- “Client” means a person under the care of a midwife and such person’s fetus or newborn.
- “Licensed midwife” means a person licensed under this chapter to practice midwifery in Iowa.
- “Midwife” means a person practicing midwifery.
- “Midwifery” means the practice of providing primary maternity care to a client during the preconception, antepartum, intrapartum, and postpartum periods and newborn care up to six weeks.
- “Midwifery bridge certificate” or “MBC” means a certificate issued by the North American registry of midwives or its successor organization that documents completion of accredited continuing education for certified professional midwives based upon identified areas to address education in emergency skills and other competencies set by the international confederation of midwives.

Section 6 – Licensure – licensed midwifery (148I.2)

[New section] Beginning July 1, 2024 everyone practicing midwifery shall be licensed and the board of midwifery shall adopt rules establishing the licensure procedures. This section establishes the requirements for applicants to be a licensed midwife and an application fee to be set by the board of midwifery. This section also provides that the board of midwifery may request, at the applicant’s expense, a background and abuse record check.

Section 7 – Exceptions (148I.3)

[New section] This section provides that this new chapter would not limit or regulate the practice of other qualified licensed professionals. Additionally, this section provides that this chapter would not apply to members of a Native American, Amish, or Mennonite community, a good faith practice of religious tenants if no fee is charged, to a person providing emergency aid, or a student midwife under direct supervision of a licensed midwife.

Section 8 – Board – rules (148I.4)

[New section] This section provides that the board of midwifery shall adopt rules to regulate the practice of midwifery, define professional and unprofessional conduct, permit licensees to obtain appropriate screening and testing for clients, permit the administration of midwife specific medicine, and other requirements with the implementation of midwifery. This section also provides that the board is not allowed to draft rules to allow the administration of narcotics, limit the location a licensee may practice, or require a licensee to practice under the supervision or collaboration of another health care provider.

Section 9 – Liability – limitation (148I.5)

[New section] This section provides that health care providers accepting a transfer client from a licensed midwife shall not be liable for outcomes arising from actions of the midwife.

Section 10 – Use of title – penalty (148I.6)

[New section] This section provides that only licensed midwives can use the title “licensed midwife” or imply that they are a licensed midwife.

Section 11 – Definitions (272C.1)

[New paragraph] This section adds the board of midwifery under the definition of “licensing board” under the regulation of licensed professions in Iowa Code.

Section 12 – Duties of board (272C.4)

This section adds the newly created midwifery licensure chapter to the list of licensing boards and duties under the regulation of licensed professions in Iowa Code.

Section 13 – Licensed midwife services (514C.12A)

[New section] This section provides that health and accident insurance providers that provide maternity benefits shall provide coverage for maternity services provided by a licensed midwife and coverage shall not have a higher copayment, deductible, or coinsurance than similar benefits of the plan. This section also allows insurance providers to require that maternity services are performed by a licensed midwife under contract with the provider.

Section 14 – Initial appointments

This section provides that the initial midwife appointees to the board of midwifery shall fulfill the national certification requirements of the North American registry of midwives or its successor organization.