
DIGEST

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HB No. 947

Abstract: Revises statutory provisions relative to the Midwife Practitioners Act.

Present law (R.S. 37:3241(8)) defines "licensed midwife" as meaning a person who has completed all requirements of present law, has successfully completed the examination process, and is in good standing on the registry of licensed midwives maintained by the board.

Proposed law retains present law and adds a requirement that the a licensed midwife be certified as midwife by the North American Registry of Midwives in addition to being in good standing on the registry of licensed midwives maintained by the board.

Present law (R.S. 37:3241(12)) defines "physician" as meaning a person who is currently practicing obstetrics and is licensed to practice medicine or osteopathy in Louisiana.

Proposed law excludes licensed midwives, apprentice midwives, and senior apprentice midwives from the definition of "physician."

Proposed law (R.S. 37:3241(15)) defines "certified professional midwife" as meaning a person certified by the North American Registry of Midwives.

Proposed law (R.S. 37:3241(16)) defines "low risk patient" as meaning an individual who is at low or normal risk of developing complications during pregnancy and childbirth as evidenced by the absence of any preexisting maternal disease or disease arising during pregnancy or such other conditions as the board may identify in rules.

Present law (R.S. 37:3244(B)) authorizes a licensed midwife to care for low risk patients as determined by physician evaluation and examination to be essentially normal for pregnancy and childbirth.

Proposed law specifies that the care provided to low risk patients, who are declared to be essentially normal for pregnancy and childbirth, will be determined by the board.

Proposed law (R.S. 37:3244(C)) requires the physician who performs the evaluation and examination required by proposed law to disclose the reason and effect of the evaluation and examination to the patient and midwife using a form developed by the board for this purpose.

Proposed law (R.S. 37:3244(D)) requires a licensed midwife to refer a patient to a physician for risk assessment when the patient's progress at any time during pregnancy or the postpartum

period deviates from criteria generally accepted as normal as defined by the board, including but not limited to diseases such as gestational diabetes, and preeclampsia or conditions such as post term pregnancy, 42 weeks of completed pregnancy, multiple births, or breech presentation.

Proposed law (R.S. 37:3244(E)) specifies that if a midwife has referred a patient for a risk assessment to two independent physicians and has documented the referrals in the patient's chart then that midwife can seek the risk assessment from an obstetrician/gynecologist who does not practice obstetrics or a physician who practices family medicine.

Proposed law (R.S. 37:3244(F)) allows a patient to refuse a licensed midwife's referral to any physician. However, provides that a licensed midwife must not knowingly accept or maintain responsibility for the care of a woman who does not obtain physician referral or when the results of the referral indicate that she no longer qualifies as a low risk patient.

Present law (R.S. 37:3245(D)(1)) in pertinent part, specifies that upon meeting the educational and clinical experience requirements, which include an application for the license and taking the next qualifying examination, provided by the board, a person may apply for a midwifery license.

Proposed law allows the board to issue a midwifery license to an applicant who holds current certification by the North American Registry of Midwives or such other certifying organization as the board subsequently approves.

Proposed law (R.S. 37:3248(B)) excludes from the application of midwifery laws any student pursuing a course of study in an accredited and board approved midwifery education program who provides midwifery services, provided that such services are an integral part of the student's course of study, that are performed under the direct supervision of physician or a licensed midwife, and the student is designated by a title which clearly indicates his status as a student or trainee.

Proposed law (R.S. 37:3255(D)) authorizes the board to accept as a qualifying examination for purposes of midwifery licensure an examination administered by the North American Registry of Midwives, or such other certifying examination as the board subsequently approves.

Proposed law (R.S. 37:3258(A)) specifies that a risk assessment is any physician evaluation and examination conducted in accordance with the law governing the scope of practice. Further provides that the physician performing a risk assessment is only responsible for determining that at the time of such assessment the individual is at low or normal risk of developing complications during pregnancy and childbirth.

Proposed law (R.S. 37:3258(B)) provides that a physician risk assessment, as defined by proposed law, does not create either of the following:

- (1) A physician-patient relationship or any legal duty, responsibility, or obligation by the physician to provide continuing care.

- (2) A legal relationship between the physician and the licensed midwife or any duty, responsibility or obligation by the physician to supervise, collaborate, back-up, or oversee the licensed midwife's care of the patient.

Proposed law (R.S. 37:3258(C)) specifies that no physician or health care provider as defined by statute, no hospital as defined by statute, or no institution, facility, or clinic licensed by the department can be:

- (1) Deemed to have established a legal relationship with a licensed midwife solely by providing a risk assessment as defined in proposed law or accepting a transfer of a patient from a licensed midwife.
- (2) Liable for civil damages arising out of the negligent, grossly negligent, or wanton or willful acts or omissions of the licensed midwife solely for providing a risk assessment as defined in proposed law or accepting a transfer of a patient from a licensed midwife.

Proposed law (R.S. 37:3259) prohibits the Louisiana State Board of Nursing from impeding the right of any person to legally pursue a midwife license under state law. Further, prohibits the Louisiana State Board of Nursing from using the legal practice of midwifery under the law as the basis for any action against any person licensed by the Louisiana State Board of Nursing such as denial of license or disciplinary proceedings.

(Amends R.S. 37:3241(8) and (12), 3244(B) and (C), 3245(D)(1) and 3248; Adds 37:3241(15) and (16), 3244(D), (E), (F), and (G), 3255(D), 3258, and 3259)