

Committee Action:
Do Pass _____
Amend & Do Pass _____
Other _____

Assembly Committee on Commerce and Labor

This measure may be considered for action during today's work session.

ASSEMBLY BILL 387

Revises provisions relating to midwives. (BDR 54-225)

Sponsored By: Assembly Members Monroe-Moreno, Peters, Gorelow, Summers-Armstrong, and Carlton, et al.
Date Heard: April 5, 2021
Fiscal Notes: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

Assembly Bill 387 relates to midwives. The measure creates the Board of Licensed Certified Professional Midwives, which is comprised of seven members appointed by the administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services and prescribes the duties and operation of the Board. It establishes the requirements for the licensure of midwives by the Division and specifies the Division and the Board will share responsibility of regulating the practice of licensed certified professional midwives. In addition, the Board must adopt regulations governing midwifery, which includes training programs, licensure qualifications, investigation of misconduct and discipline, management of a client who is at a moderate or high risk of an adverse outcome, and certain other aspects of the practice of midwifery.

Amendments:

Assemblywoman Monroe-Moreno proposes the following amendments (attached):

1. Amend the bill as a whole to replace "birth assistant" with "certified professional midwife birth assistant" and "student midwife" with "certified professional midwife student midwife."
2. Amend Section 11 of the bill to replace "practice of midwifery" with "practice of certified professional midwifery."
3. Delete subsection 2 of Section 15 for the purposes of eliminating the requirement that a person who engages in the practice of midwifery, who is not licensed, to obtain a statement from each client in the form prescribed by the Division. Remove subsection 1(a) of Section 31 accordingly.
4. Amend Section 16 of the bill that creates the Board of Licensed Certified Professional Midwives to replace: (1) one voting member who is a physician, with one voting member who is an advanced practice registered nurse, certified-nurse midwife, or physician who specializes in obstetrics with experience working in a home setting; and (2) one voting member who represents the general public, with two voting members of who represent the general public and have received care with a certified professional midwife.
5. Amend the provisions of Sections 18 and 19 of the bill for the purpose of specifying that an applicant for licensure as a licensed certified professional midwife, with certain exceptions, must have completed an education program accredited by the Midwifery Education Accreditation Council, or its successor organization.
6. Amend Section 25 of the bill to require all midwives, regardless of whether or not licensed by the Board, to provide a client with a Community Birth Disclosure containing certain information. Require the Board to prescribe requirements for such disclosure, which must be developed in collaboration with all types midwives serving birthing people in the community setting. The disclosure must be signed and dated by the client and

midwife and maintained in the midwife's records for five years. Require licensed certified professional midwives to also obtain the informed written consent specified in Section 25, but eliminate the requirement that such consent requires the disclosure of the amount for which a licensed certified midwife is insured.

7. Amend Section 26 of the bill to allow a licensed certified professional midwife to administer terbutaline and to use equipment used for administering nitrous oxide only in the birthing center setting.
8. Require a person who uses the term "licensed midwife" in any of the circumstances described in Section 31 of the bill to also disclose the state in which the person is licensed.
9. Amend Section 31 of the bill to require the Division to, if it receives complaints against a person for repeated violations of Section 31, refer the alleged violations for possible criminal prosecution.
10. Amend subsection 3(b) of Section 34 of the bill to provide a license by reciprocity may be authorized to a licensed certified professional midwife who has been in practice for at least three years, instead of five years, immediately preceding the date on which a person submits such an application to the Division.
11. Require the Division to establish a process by which an applicant for licensure may qualify for reduced licensing fees if the applicant demonstrates to the satisfaction of the Division that the standard licensing fees are an economic hardship to the applicant.
12. Require the Division to allocate a portion of the fees collected for licenses to programs that aid in increasing the numbers of and reducing barriers for licensed certified professional midwives of marginalized identities.
13. Amend Section 103 of the bill to retain all of the specified conditions and symptoms set forth in Section 27 which, if the licensed certified professional midwife determines such conditions or symptoms exist, require the midwife to take appropriate action past the effective date of the regulations adopted by the Board pursuant to Section 104.
14. Amend Section 105 of the bill to change the name of the "Transfer Guidelines Working Group" to the "Collaboration and Transfer Guidelines Workgroup."
15. Amend Section 107 of the bill to authorize the Division to, on a case by case basis, allow a person who holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and who has completed the Portfolio Evaluation process prescribed by that organization, to satisfy the education requirements for licensure past January 1, 2025, if the Division determines it necessary to fill shortages in the midwifery workforce in rural and underserved populations.
16. Change the effective date of Section 100 and 101 to January 1, 2025.

Proposed Amendment for AB387
Submitted by Assemblywoman Daniele Monroe-Moreno
04-05-2021

Section	Deleted Language	Added Language
Section 3.8	"Birth Assistant"	"Certified Professional Midwife birth assistant"
Section 11.6	"Midwifery"	"Certified Professional midwifery"
Section 14.18	"Student midwife"	"CPM student midwife" "Marginalized identity" means an identity that causes or has historically caused a person of such an identity to be disproportionately subject to discrimination, harassment, or other negative treatment as a result of the identity
Section 15.21	<p>1. Except as otherwise provided in this section and sections 22 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641C, inclusive, of 25 NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.</p> <p>2. A person who is not licensed pursuant to this chapter and 31 engages in the practice of midwifery must:</p> <p>(a) Obtain from each client of the person a statement in the form prescribed by the Division signed by the person and the client 34 stating that:</p> <p>(1) The person is not a licensed certified professional midwife</p>	

	<p>and has not had his or her credentials reviewed by any governmental entity; and</p> <p>(2) There is no state agency that oversees the services provided by the person with which the client may file a complaint concerning those services; and</p> <p>(b) Maintain the statement in the records of the person for at least 5 years after the person ceases providing services to the client.</p> <p>This chapter does not prohibit:</p> <p>(a) Gratuitous services of a person in an emergency; or</p> <p>(b) Gratuitous care by friends or by members of the family</p>	
Section 16.2	<p>(a) a physician currently practicing in the area of pediatrics in this State;</p> <p>14 (d) One</p> <p>14 (d) is a</p>	<p>(a) an APRN, CNM, or OB with experience working in the home setting.</p> <p>(d) two</p> <p>(d) are</p> <p>(d) who have received care with a CPM;</p>
Section 18.6	<p>programs of training for licensed certified professional midwives</p> <p>(a) Those regulations must require that a program for the training of licensed certified professional midwives be accredited by the Midwifery Education Accreditation Council, or its successor organization.</p>	<p>CPM</p> <p>CPM</p>
Section 19.1	<p>1. An applicant for a license as a licensed certified professional midwife, other than a license by endorsement pursuant to section 20 of this act, must submit to the Division an application pursuant to this section in the form prescribed</p>	<p>1. An applicant for a license as a midwife must submit to the Division an application in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS</p>

	<p>by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed \$1,000. The application must include, without limitation, proof that the applicant:</p> <p>(a) Is certified as a certified professional midwife by the North American Registry of Midwives, or its successor organization; and (b) Has completed any educational requirements prescribed by the Board pursuant to section of this act or holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:</p> <p>(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 23 439.150, which must not exceed \$1,000; and (b) Include any information required by the regulations adopted by the Board pursuant to section 18 of this act. 26 Sec. 20. 1. The Division shall issue a license by endorsement as a licensed certified professional midwife to an applicant who meets the requirements set forth in this section. An applicant may submit to the Division an application for such a license</p>	<p>439.150, which must not exceed \$1,000. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and: (a) Has completed an educational program accredited by the Midwifery Education Accreditation Council, or its successor organization, and any other educational requirements prescribed by the Board pursuant to section 12 of this act or (b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<i>if the applicant holds a corresponding valid and unrestricted license as a licensed certified professional midwife in the District of Columbia or any state or territory of the United States.</i>	
Section 21		<p>1. CPM</p> <p>2. CPM</p> <p>3. CPM</p>
Section 22.6		<p>1. certified professional midwife</p> <p>(b). certified professional</p> <p>(2) or certified nurse-midwife</p> <p>(3) A certified professional midwife</p> <p>(4) certified professional midwife</p>
Section 23.6		<p>(1a). CPM</p> <p>(1b). CPM</p> <p>(2b). CPM</p>
Section 24.43		<p>1. CPM</p> <p>(a). CPM</p> <p>(b). CPM</p> <p>(c). CPM</p> <p>4. CPM</p>
Section 25.24	<i>-a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client: 29 I. A description of the educational background and credentials</i>	<i>all midwives regardless of credential or licensing status, shall provide the client with a Community Birth Disclosure which outlines types of midwives, education, and type of care provided by each to be signed by the client. This form will be created by the Board of certified professional midwives in collaboration with all midwives serving birthing</i>

	<p><i>of the licensed certified professional midwife</i></p> <p>6. and, if so, the amount for which 6 the licensed certified professional midwife is insured;</p>	<p><i>people in the community setting.</i></p> <p><i>2. In addition: licensed certified professional midwives must also submit:</i></p> <p><i>licensed certified professional</i></p> <p><i>(a). terbutaline</i></p>
Section 26.14		<p><i>(b) in the birthing center setting,</i></p>
Section 31.11	<p>(b). "certified professional 20 midwife," "licensed midwife"</p> <p>©. "certified professional midwife," "licensed midwife"</p> <p><i>2. or birth assistants</i></p> <p>2. is guilty 4 of a misdemeanor.</p>	<p><i>1. CPM</i></p> <p><i>(a) licensed certified professional</i></p> <p><i>(b) CPM licensed certified professional</i></p> <p><i>(c) Since many midwives in Nevada carry licensure in neighboring states, when using the term "licensed midwife", the state in which that license is granted must be disclosed"</i></p> <p><i>33. Since many midwives in Nevada carry licensure in neighboring states, when using the term "licensed midwife", the state in which that license is granted must be disclosed"</i></p> <p><i>34. CPM</i></p> <p><i>38. licensed certified professional</i></p> <p><i>41. licensed certified professional midwifery</i></p> <p><i>45. will be notified by the Board of the violation. If violations of this section continue or are reported as ongoing, misdemeanor charges will be pursued.</i></p>
Section. 69.20	<p><i>As used in this chapter, "midwife: means:</i></p>	<p><i>licensed certified professional midwifery</i></p>

Section. 75.44	42. [A] any other type of midwife	
Section. 77.33		20. CPM 20. certified professional midwife
Section 101.16	holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.]	Applicants may petition the Board for reduction in fees if licensure fees are burdensome to the applicant; and a portion of licensing fees will be allocated to programs that aid in increasing the numbers of and reducing barriers for certified professional midwife applicants of marginalized identities
Section. 102.1	(a) An applicant for the issuance of a license as a licensed certified professional midwife or a permit as a CPM student midwife in this State shall include the social security number of the applicant in the application submitted to the Division.	CPM CPM

Amendment for AB387
Submitted by Assemblywoman Daniele Monroe-Moreno
04/08/2021

The following items were submitted verbally but omitted from the original amendment.

Section 22-2 CPM birth assistant

23-3 CPM student

24-3abc CPM student

24-4 Four instances to add CPM

25 add the word “types” to read “This form will be created by the board of Licensed certified professional midwives in collaboration with all types of midwives serving birthing people..”

For Sec 24.25:

all midwives regardless of credential or licensing status, shall provide the client with a Community Birth Disclosure which outlines types of midwives, education, and type of care provided by each to be signed and dated by the client and midwife, and kept IN the midwife's record for 5 years.

This form will be created by the Board of certified professional midwives in collaboration with all midwives serving birthing people in the community setting.

2. In addition: licensed certified professional midwives must also submit:

31-2 CPM student

Sec 34. 3.b 3 years instead of 5

Section 101 18-1a Certified Professional Midwife Birth Assistant

Section 101-18-1c, d CPM student

Section 102- 23-1c and 23-3 CPM student midwife

Section 103- 1 Sec. 27. 1. ~~Except as otherwise provided in 2 subsections 4 and 5, a~~ A licensed certified professional 3 midwife ~~must recommend and, with the consent of the client, 4 arrange for~~ **who recommends** consultation or co 5 management with or referral to a qualified provider of health 6 care or transfer to an appropriate medical facility if the

7 licensed certified professional midwife determines that any of 8 the following conditions or symptoms exist:

9 (a) Complete placenta previa;

10 (b) Partial placenta previa after the 27th week of 11 gestation;

12 (c) Infection with the human immunodeficiency virus; 13 (d) Cardiovascular disease;

14 (e) Severe mental illness that may cause the client to 15 cause harm to themselves or others;

16 (f) Pre-eclampsia or eclampsia;

17 (g) Fetal growth restriction, oligohydramnios or moderate 18 or severe polyhydramnios in the pregnancy;

19 (h) Potentially serious anatomic fetal abnormalities; 20 (i) Diabetes that requires insulin or other medication for 21 management;

22 (j) Gestational age of greater than 43 weeks; or 23 (k) Any other condition or symptom which, in the 24 judgment of the licensed certified professional midwife, could 25 threaten the life of the client or the fetus or newborn infant of 26 the client.

27 2. Except as otherwise provided in subsections 4 and 5, a 28 licensed certified professional midwife must recommend and, 29 with the consent of the client, arrange for consultation or co 30 management with or referral to a qualified provider of health 31 care if the licensed certified professional midwife determines 32 that any of the following conditions or symptoms exist:

33 (a) Prior cesarean section or other surgery resulting in a 34 uterine scar;

35 (b) Multifetal gestation; or

36 (c) Non-cephalic presentation after 36 weeks of gestation. 37 3. A licensed certified professional midwife who 38 recommends to a client consultation, co-management, referral

39 or transfer shall document in the record of the client: 40 (a) The contents of the recommendation; 41

(b) The condition or symptom for which the 42 recommendation was made;

Section 105-1 Change Transfer Guidelines Workgroup to Collaboration and Transfer Guidelines Workgroup

Section 105-12c Change “midwife” to “Certified Professional Midwife”

Section 106-1a Change midwife to Certified Professional Midwife

Section 106-1b line 1 and line 3 Change student midwife to CPM student midwife

Section 107-3 Change 2024 to 2025 Add secondary to current barriers that affect students with marginalized identities attempting to receive their CPM, as well no option for in state MEAC accredited education, The Licensed Certified Midwifery Board will have the authority to provide an extension to this deadline on a case-by-case basis.