

By Representative Bullard

1 A bill to be entitled
 2 An act relating to midwifery; amending s.
 3 467.003, F.S.; updating the definition of
 4 "department"; expanding the definition of
 5 "preceptor"; amending s. 467.009, F.S.;
 6 revising and providing education and training
 7 requirements for midwifery programs, including
 8 requirements for student midwives; amending s.
 9 467.0125, F.S.; revising requirements for
 10 licensure by endorsement; eliminating a
 11 provision relating to temporary certification;
 12 creating s. 467.0126, F.S.; providing
 13 requirements for temporary certification to
 14 practice midwifery; amending s. 467.015, F.S.;
 15 authorizing a midwife to administer oxytocics;
 16 revising responsibility of a midwife with
 17 respect to eye prophylactics for newborns;
 18 amending s. 467.017, F.S.; revising provisions
 19 relating to submission of copies of emergency
 20 care plans; amending s. 467.203, F.S.;
 21 clarifying a disciplinary action; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

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 26 Section 1. Subsections (4) and (12) of section
 27 467.003, Florida Statutes, are amended to read:
 28 467.003 Definitions.--As used in this chapter, unless
 29 the context otherwise requires:
 30 (4) "Department" means the Department of Health
 31 ~~Business and Professional Regulation.~~

1 (12) "Preceptor" means a physician, a licensed
2 midwife, ~~or~~ a certified nurse midwife, or an advanced
3 registered nurse practitioner, who has a minimum of 3 years'
4 professional experience, and who directs, teaches, supervises,
5 and evaluates the learning experiences of the student midwife.

6 Section 2. Subsections (4), (5), (6), (7), and (8) of
7 section 467.009, Florida Statutes, are amended to read:

8 467.009 Midwifery programs; education and training
9 requirements.--

10 (4) A student midwife, during training, shall
11 undertake, under the supervision of a preceptor, the care of
12 40 ~~50~~ women in each of the prenatal, intrapartal, and
13 postpartal periods, but the same women need not be seen
14 through all three periods.

15 (5) The student midwife shall observe an additional 40
16 ~~25~~ women in the intrapartal period before qualifying for a
17 license.

18 (6) The training required under this section shall
19 include training in either hospitals or alternative birth
20 settings, or both, with particular emphasis on learning the
21 ability to differentiate between low-risk pregnancies and
22 high-risk pregnancies. A hospital, ~~or~~ birthing center, or
23 clinic that offers maternity care receiving public funds shall
24 establish a process to facilitate the ability of student
25 midwives to observe and participate in supervised prenatal,
26 labor, delivery, and postpartum clinical experiences, provided
27 the woman has given informed consent, the student is enrolled
28 in good standing in a midwifery educational program approved
29 by the department, the clinical supervisor is affiliated with
30 the clinical facility and the educational program, and the
31 clinical supervisor meets the qualifications for preceptor as

1 specified in s. 467.003(12). The hospital, birthing center, or
2 clinic that offers maternity care shall be required to provide
3 student midwives access to observe labor, delivery, and
4 postpartal procedures, provided the woman ~~in labor~~ has given
5 informed consent. The department ~~of Health and Rehabilitative~~
6 ~~Services~~ shall assist in facilitating access to hospital
7 training for approved midwifery programs.

8 (7) The Department of Education shall adopt curricular
9 frameworks for midwifery programs conducted within public
10 educational institutions pursuant to this section.

11 (8)(a) Nonpublic educational institutions that conduct
12 approved midwifery programs must hold full accreditation, or
13 be seeking accreditation, from shall be accredited by a member
14 ~~of~~ the Commission on Recognition of Postsecondary
15 Accreditation and ~~shall~~ be licensed by the State Board of
16 Independent Postsecondary Vocational, Technical, Trade, and
17 Business Schools.

18 (b) Public institutions that conduct approved
19 midwifery programs must be accredited by one of the regional
20 accrediting associations recognized by the United States
21 Department of Education.

22 Section 3. Section 467.0125, Florida Statutes, is
23 amended to read:

24 467.0125 Licensure by endorsement.--

25 ~~(1)~~ The department shall issue a license by
26 endorsement to practice midwifery to an applicant who, upon
27 applying to the department, demonstrates to the department
28 that he:

29 (1)(a)1. Holds a valid certificate or diploma from a
30 foreign institution of medicine or midwifery, which
31 certificate or diploma has been evaluated by an educational

1 credentialing organization approved by the department, or from
2 a midwifery program offered in another state, bearing the seal
3 of the institution or otherwise authenticated, which renders
4 the individual eligible to practice midwifery in the country
5 or state in which it was issued, provided the requirements
6 therefor are deemed by the department to be substantially
7 equivalent to, or to exceed, those established under this
8 chapter and rules adopted under this chapter, and submits
9 therewith a certified translation of the foreign certificate
10 or diploma; or

11 (b)2. Holds a valid certificate or license to practice
12 midwifery in another state, issued by that state, provided the
13 requirements therefor are deemed by the department to be
14 substantially equivalent to, or to exceed, those established
15 under this chapter and rules adopted under this chapter.

16 (2)(b) Has completed a 4-month prelicensure course
17 conducted by an approved program and has submitted
18 documentation to the department of successful completion. The
19 department shall determine by rule the content of the
20 prelicensure course.

21 (3)(c) Has successfully passed the licensed midwifery
22 examination.

23 ~~(2) The department may issue a temporary certificate~~
24 ~~to practice in areas of critical need to any midwife who is~~
25 ~~qualifying for licensure by endorsement under subsection (1),~~
26 ~~with the following restrictions:~~

27 ~~(a) The Department of Health and Rehabilitative~~
28 ~~Services shall determine the areas of critical need, and the~~
29 ~~midwife so certified shall practice only in those specific~~
30 ~~areas, under the auspices of a physician licensed pursuant to~~
31 ~~chapter 458 or chapter 459, a certified nurse midwife licensed~~

1 ~~pursuant to chapter 464, or a midwife licensed under this~~
2 ~~chapter, who has a minimum of 3 years' professional~~
3 ~~experience. Such areas shall include, but not be limited to,~~
4 ~~health manpower shortage areas designated by the United States~~
5 ~~Department of Health and Human Services.~~

6 ~~(b) A temporary certificate issued under this section~~
7 ~~shall be valid only as long as an area for which it is issued~~
8 ~~remains an area of critical need, but no longer than 2 years,~~
9 ~~and shall not be renewable.~~

10 ~~(c) The department may administer an abbreviated oral~~
11 ~~examination to determine the midwife's competency, but no~~
12 ~~written regular examination shall be necessary.~~

13 ~~(d) The department shall not issue a temporary~~
14 ~~certificate to any midwife who is under investigation in~~
15 ~~another state for an act which would constitute a violation of~~
16 ~~this chapter until such time as the investigation is complete,~~
17 ~~at which time the provisions of this section shall apply.~~

18 ~~(e) The department shall review the practice under a~~
19 ~~temporary certificate at least annually to ascertain that the~~
20 ~~minimum requirements of the midwifery rules promulgated under~~
21 ~~this chapter are being met. If it is determined that the~~
22 ~~minimum requirements are not being met, the department shall~~
23 ~~immediately revoke the temporary certificate.~~

24 ~~(f) The fee for a temporary certificate shall not~~
25 ~~exceed \$50 and shall be in addition to the fee required for~~
26 ~~licensure.~~

27 Section 4. Section 467.0126, Florida Statutes, is
28 created to read:

29 467.0126 Temporary certificate.--

30 (1) The department may issue a temporary certificate
31 to practice midwifery, provided an applicant successfully

1 completes an approved midwifery program. The certification
2 shall be for a period not to exceed 1 year.

3 (2) The midwife must practice under the auspices of a
4 physician licensed under chapter 458 or chapter 459, a
5 certified nurse midwife licensed under chapter 464, or a
6 midwife licensed under this chapter, who has a minimum of 3
7 years' professional experience.

8 (3) The department may not issue a temporary
9 certificate to any midwife who is under investigation in any
10 jurisdiction for an act which would constitute a violation of
11 this chapter until such time as the investigation and
12 prosecution, if any, are complete, at which time the
13 provisions of this section shall apply.

14 Section 5. Subsection (3) and paragraph (b) of
15 subsection (7) of section 467.015, Florida Statutes, are
16 amended to read:

17 467.015 Responsibilities of the midwife.--

18 (3) A midwife licensed under this chapter may
19 administer prophylactic ophthalmic medication, oxygen,
20 postpartum oxytocics ~~oxytocin~~, vitamin K, rho immune globulin
21 (human), and local anesthetic pursuant to a prescription
22 issued by a practitioner licensed under chapter 458 or chapter
23 459, and may administer such other medicinal drugs as
24 prescribed by such practitioner. Any such prescription for
25 medicinal drugs shall be in a form that complies with chapter
26 499 and shall be dispensed in a pharmacy permitted under
27 chapter 465 by a pharmacist licensed under chapter 465.

28 (7)

29 (b) The midwife shall ensure that the required
30 prophylactic is instilled ~~instill~~ into each eye of the newborn
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1 infant, or shall obtain and retain the written objection
2 thereto, a prophylactic in accordance with s. 383.04.

3 Section 6. Subsection (1) of section 467.017, Florida
4 Statutes, is amended to read:

5 467.017 Emergency care plan; immunity.--

6 (1) Every licensed midwife shall develop a written
7 plan for the appropriate delivery of emergency care. A copy
8 of the plan shall accompany the any application for initial
9 licensure. A copy of any revisions to the emergency care plan
10 shall accompany the application for licensure renewal license
11 issuance or renewal. The plan shall address the following:

12 (a) Consultation with other health care providers.

13 (b) Emergency transfer.

14 (c) Access to neonatal intensive care units and
15 obstetrical units or other patient care areas.

16 Section 7. Paragraph (e) of subsection (2) of section
17 467.203, Florida Statutes, is amended to read:

18 467.203 Disciplinary actions; penalties.--

19 (2) When the department finds any person guilty of any
20 of the grounds set forth in subsection (1), it may enter an
21 order imposing one or more of the following penalties:

22 (e) Placement of the midwife on probation for such
23 period of time and subject to such conditions as the
24 department may specify, including, but not limited to,
25 requiring the midwife to submit to treatment; undertake
26 further relevant education or training; take an examination;
27 or work under the supervision of another licensed midwife, a
28 physician, or a nurse midwife licensed under chapter 464.

29 Section 8. This act shall take effect October 1, 1997.

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546-152-97

HOUSE SUMMARY

Revises various provisions relating to the practice of midwifery. Updates the definition of "department" to the Department of Health and expands the definition of "preceptor" to include advanced registered nurse practitioners. Revises and provides education and training requirements for midwifery programs, including accreditation requirements and requirements for student midwives. Revises requirements for licensure by endorsement to require credentialing of certificates and diplomas from foreign institutions of medicine or midwifery. Revises requirements for temporary certification to practice midwifery. Authorizes a midwife to administer oxytocics. Revises responsibility of a midwife with respect to eye prophylactics for newborns and objections thereto. Revises provisions relating to submission of copies of emergency care plans to coincide with initial and renewal licensure. Clarifies a disciplinary action. See bill for details.

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