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HOUSE BILL 1852

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Backlund, Morris, Dyer, Skinner, Poulsen and Thompson

Read first time 02/10/95. Referred to Committee on Health Care.

1 AN ACT Relating to midwifery; amending RCW 18.50.010, 18.50.040,  
2 18.50.105, and 18.50.108; creating a new section; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.50.010 and 1991 c 3 s 103 are each amended to read  
6 as follows:

7 Any person shall be regarded as practicing midwifery within the  
8 meaning of this chapter who shall render medical aid for a fee or  
9 compensation to a woman during prenatal, intrapartum, and postpartum  
10 stages or who shall advertise as a midwife by signs, printed cards, or  
11 otherwise. Nothing shall be construed in this chapter to prohibit  
12 gratuitous services. It shall be the duty of a midwife to consult with  
13 a physician whenever there are significant deviations from normal in  
14 either the mother or the infant.

15 A person licensed under this chapter shall not undertake the care  
16 of any woman who is at high risk for complications during the prenatal,  
17 intrapartum, or postpartum period, as the term "high risk" is defined  
18 pursuant to section 5 of this act. A woman who presents evidence of  
19 such high risk shall be expeditiously referred to a physician licensed

1 under chapter 18.57 or 18.71 RCW. Nothing in this section shall  
2 prohibit a physician from returning the patient to the midwife, if the  
3 problem is appropriately managed and relieved or not confirmed, nor  
4 shall the physician be prohibited from agreeing to a comanage  
5 arrangement.

6 The physician shall not be liable for complications that occur in,  
7 or are caused by, the pregnancy when the woman was not directly under  
8 the physician's care.

9 **Sec. 2.** RCW 18.50.040 and 1994 sp.s. c 9 s 705 are each amended to  
10 read as follows:

11 (1) Any person seeking to be examined shall present to the  
12 secretary, at least forty-five days before the commencement of the  
13 examination, a written application on a form or forms provided by the  
14 secretary setting forth under affidavit such information as the  
15 secretary may require and proof the candidate has received a high  
16 school degree or its equivalent; that the candidate is twenty-one years  
17 of age or older; that the candidate has received a certificate or  
18 diploma from a midwifery program accredited by the secretary and  
19 licensed under chapter 28C.10 RCW, when applicable, or a certificate or  
20 diploma in a foreign institution on midwifery of equal requirements  
21 conferring the full right to practice midwifery in the country in which  
22 it was issued. The diploma must bear the seal of the institution from  
23 which the applicant was graduated. Foreign candidates must present  
24 with the application a translation of the foreign certificate or  
25 diploma made by and under the seal of the consulate of the country in  
26 which the certificate or diploma was issued.

27 (2) The candidate shall meet the following conditions:

28 (a) Obtaining a minimum period of midwifery training for at least  
29 three years including the study of the basic nursing skills that the  
30 department shall prescribe by rule. However, if the applicant is a  
31 registered nurse or licensed practical nurse under chapter 18.79 RCW,  
32 or has had previous nursing education or practical midwifery  
33 experience, the required period of training may be reduced depending  
34 upon the extent of the candidate's qualifications as determined under  
35 rules adopted by the department. In no case shall the training be  
36 reduced to a period of less than two years.

37 (b) Meeting minimum educational requirements which shall include  
38 studying obstetrics; neonatal pediatrics; basic sciences; female

1 reproductive anatomy and physiology; behavioral sciences; childbirth  
2 education; community care; obstetrical pharmacology; epidemiology;  
3 gynecology; family planning; genetics; embryology; neonatology; the  
4 medical and legal aspects of midwifery, including the identification of  
5 patients presenting high risk for complications during the prenatal,  
6 intrapartum, or postpartum period, as the term "high risk" is defined  
7 pursuant to section 5 of this act, and the legal requirements relating  
8 to such patients in RCW 18.50.010; nutrition during pregnancy and  
9 lactation; breast feeding; nursing skills, including but not limited to  
10 injections, administering intravenous fluids, catheterization, and  
11 aseptic technique; and such other requirements prescribed by rule.

12 (c) For a student midwife during training, undertaking the care of  
13 not less than fifty women in each of the prenatal, intrapartum, and  
14 early postpartum periods, but the same women need not be seen through  
15 all three periods. A student midwife may be issued a permit upon the  
16 satisfactory completion of the requirements in (a), (b), and (c) of  
17 this subsection and the satisfactory completion of the licensure  
18 examination required by RCW 18.50.060. The permit permits the student  
19 midwife to practice under the supervision of a midwife licensed under  
20 this chapter, a physician or a certified nurse-midwife licensed under  
21 the authority of chapter 18.79 RCW. The permit shall expire within one  
22 year of issuance and may be extended as provided by rule.

23 (d) Observing an additional fifty women in the intrapartum period  
24 before the candidate qualifies for a license.

25 (3) Notwithstanding subsections (1) and (2) of this section, the  
26 department shall adopt rules to provide credit toward the educational  
27 requirements for licensure before July 1, 1988, of nonlicensed  
28 midwives, including rules to provide:

- 29 (a) Credit toward licensure for documented deliveries;  
30 (b) The substitution of relevant experience for classroom time; and  
31 (c) That experienced lay midwives may sit for the licensing  
32 examination without completing the required course work.

33 The training required under this section shall include training in  
34 either hospitals or alternative birth settings or both with particular  
35 emphasis on learning the ability to differentiate between low-risk and  
36 high-risk pregnancies.

37 **Sec. 3.** RCW 18.50.105 and 1991 c 3 s 111 are each amended to read  
38 as follows:

1       The secretary, with the advice of the midwifery advisory committee,  
2 shall develop a form to be used by a midwife to inform the patient of  
3 the qualifications of a licensed midwife and the requirements relating  
4 to treating patients who are at high risk for complications during the  
5 prenatal, intrapartum, or postpartum period, as the term "high risk" is  
6 defined pursuant to section 5 of this act, and the legal requirements  
7 relating to such patients in RCW 18.50.010.

8       **Sec. 4.** RCW 18.50.108 and 1981 c 53 s 14 are each amended to read  
9 as follows:

10       Every licensed midwife shall develop a written plan for  
11 consultation with other ((health care providers)) physicians, emergency  
12 transfer, transport of an infant to a newborn nursery or neonatal  
13 intensive care nursery, and transport of a woman to an appropriate  
14 obstetrical department or patient care area. The written plan shall be  
15 submitted annually together with the license renewal fee to the  
16 department.

17       A plan shall also be submitted indicating how the licensee will  
18 identify patients presenting high risk for complications during the  
19 prenatal, intrapartum, or postpartum period, as the term "high risk" is  
20 defined pursuant to section 5 of this act, and how the licensee will  
21 implement compliance with the requirements of this chapter relating to  
22 such patients. A signed statement from the consultant agreeing to  
23 provide backup shall be appended to the plan application.

24       NEW SECTION. **Sec. 5.** The medical quality assurance commission  
25 with the advice of the midwifery advisory committee shall develop a  
26 definition of high risk for the purposes of this act.

27       NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
28 preservation of the public peace, health, or safety, or support of the  
29 state government and its existing public institutions, and shall take  
30 effect immediately.

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