

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5765

67th Legislature
2022 Regular Session

Passed by the Senate February 14,
2022

Yeas 27 Nays 20

President of the Senate

Passed by the House March 3, 2022

Yeas 61 Nays 37

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5765** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5765

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Randall, Keiser, Conway, Das, Hasegawa, Lovelett, Mullet, Nobles, Robinson, Saldaña, Stanford, Trudeau, and C. Wilson)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to the practice of midwifery; and amending RCW
2 18.50.005, 18.50.010, 18.50.040, 18.50.102, 18.50.108, and 18.50.115.

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

4 **Sec. 1.** RCW 18.50.005 and 1991 c 3 s 102 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter:

8 (1) "Advanced registered nurse practitioner" means an advanced
9 registered nurse practitioner licensed under chapter 18.79 RCW.

10 (2) "Department" means the department of health.

11 (~~(2)~~) (3) "Secretary" means the secretary of health.

12 (~~(3)~~) (4) "Midwife" means a midwife licensed under this
13 chapter.

14 (~~(4)~~) (5) "Naturopath" means a naturopath licensed under
15 chapter 18.36A RCW.

16 (6) "Physician" means a physician licensed under chapter 18.57 or
17 18.71 RCW.

18 (7) "Physician assistant" means a physician assistant licensed
19 under chapter 18.71A RCW.

1 **Sec. 2.** RCW 18.50.010 and 2014 c 187 s 1 are each amended to
2 read as follows:

3 Any person shall be regarded as practicing midwifery within the
4 meaning of this chapter who shall render medical aid for a fee or
5 compensation to (~~a woman~~) individuals during prenatal, intrapartum,
6 and postpartum stages or to (~~her~~) the individual's newborn up to
7 two weeks of age or who shall advertise as a midwife by signs,
8 printed cards, or otherwise. Nothing shall be construed in this
9 chapter to prohibit gratuitous services. It shall be the duty of a
10 midwife to consult with a physician whenever there are significant
11 deviations from normal in either the (~~mother~~) gestational parent or
12 the newborn.

13 **Sec. 3.** RCW 18.50.040 and 1994 sp.s. c 9 s 705 are each amended
14 to read as follows:

15 (1) Any person seeking to be examined shall present to the
16 secretary, at least (~~forty-five~~) 45 days before the commencement of
17 the examination, a written application on a form or forms provided by
18 the secretary setting forth under affidavit such information as the
19 secretary may require and proof the candidate has received a high
20 school degree or its equivalent; that the candidate is (~~twenty-one~~)
21 21 years of age or older; that the candidate has received a
22 certificate or diploma from a midwifery program accredited by the
23 secretary and licensed under chapter 28C.10 RCW, when applicable, or
24 a certificate or diploma in a foreign institution on midwifery of
25 equal requirements conferring the full right to practice midwifery in
26 the country in which it was issued. The diploma must bear the seal of
27 the institution from which the applicant (~~was~~) graduated. Foreign
28 candidates must present with the application a translation of the
29 foreign certificate or diploma (~~made by and under the seal of the~~
30 ~~consulate of the country in which the certificate or diploma was~~
31 ~~issued~~)).

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

33 (a) Obtaining a minimum period of midwifery training for at least
34 three years including the study of the basic nursing skills that the
35 department shall prescribe by rule. However, if the applicant is a
36 registered nurse or licensed practical nurse under chapter 18.79 RCW,
37 or has had previous nursing education or practical midwifery
38 experience, the required period of training may be reduced depending
39 upon the extent of the candidate's qualifications as determined under

1 rules adopted by the department. In no case shall the training be
2 reduced to a period of less than two years.

3 (b) Meeting minimum educational requirements which shall include
4 studying midwifery; obstetrics; neonatal pediatrics; basic sciences;
5 (~~female~~) reproductive anatomy and physiology; behavioral sciences;
6 childbirth education; community care; obstetrical pharmacology;
7 epidemiology; gynecology; family planning; genetics; embryology;
8 neonatology; the medical and legal aspects of midwifery; nutrition
9 during pregnancy and lactation; (~~breastfeeding~~) lactation; nursing
10 skills, including but not limited to injections, administering
11 intravenous fluids, catheterization, and aseptic technique; and such
12 other requirements prescribed by rule.

13 (c) For a student midwife during training, undertaking the care
14 of not less than (~~fifty women~~) 50 individuals in each of the
15 prenatal, intrapartum, and early postpartum periods, but the same
16 (~~women~~) individuals need not be seen through all three periods. A
17 student midwife may be issued a permit upon the satisfactory
18 completion of the requirements in (a), (b), and (c) of this
19 subsection and the satisfactory completion of the licensure
20 examination required by RCW 18.50.060. The permit permits the student
21 midwife to practice under the supervision of a midwife licensed under
22 this chapter, a physician, or a certified nurse-midwife licensed
23 under the authority of chapter 18.79 RCW. The permit shall expire
24 within one year of issuance and may be extended as provided by rule.

25 (d) Observing an additional (~~fifty women~~) 50 individuals in the
26 intrapartum period before the candidate qualifies for a license.

27 (e) For candidates seeking a limited prescriptive license
28 extension, completion of additional study and training requirements
29 as prescribed by the department, in collaboration with the Washington
30 medical commission and the midwifery advisory committee, in rule.
31 Such rules shall provide requirements for:

32 (i) The number of additional obstetrical pharmacology training
33 hours consistent with the training hours required for other similar
34 prescribers; and

35 (ii) Additional training consistent with guidelines commensurate
36 with other professions providing family planning and treating common
37 prenatal and postpartum conditions and any other relevant sources.

38 (f) For candidates seeking a licensing extension to include
39 medical devices and implants, completion of the requirements listed
40 in (e) of this subsection and additional study and training

1 requirements as prescribed by the department, in collaboration with
2 the Washington medical commission and the midwifery advisory
3 committee, in rule. Such rules shall provide requirements for:

4 (i) The minimum number of completed procedures under supervision;
5 (ii) Completing trainings as required by the device manufacturers
6 or an equivalent; and

7 (iii) Additional training consistent with guidelines commensurate
8 with other professions providing family planning and treating common
9 prenatal and postpartum conditions and any other relevant sources.

10 (g) The license extensions referenced in (e) and (f) of this
11 subsection do not apply to newborn care.

12 (3) Notwithstanding subsections (1) and (2) of this section, the
13 department shall adopt rules to provide credit toward the educational
14 requirements for licensure before July 1, 1988, of ~~((nonlicensed))~~
15 midwives who are not licensed in Washington, including rules to
16 provide:

17 (a) Credit toward licensure for documented deliveries;

18 (b) The substitution of relevant experience for classroom time;
19 and

20 (c) That experienced lay midwives may sit for the licensing
21 examination without completing the required coursework.

22 The training required under this section shall include training
23 in ~~((either hospitals or alternative birth settings or both))~~ any
24 birth setting with particular emphasis on learning the ability to
25 differentiate between low-risk and high-risk pregnancies.

26 **Sec. 4.** RCW 18.50.102 and 2014 c 187 s 3 are each amended to
27 read as follows:

28 (1) A licensed midwife must renew ~~((his or her))~~ the individual's
29 license according to the following requirements:

30 (a) Completion of a minimum of ~~((thirty))~~ 30 hours of continuing
31 education, approved by the secretary, every three years;

32 (b) Proof of participation in a Washington state coordinated
33 quality improvement program as detailed in rule;

34 (c) Proof of participation in data submission on perinatal
35 outcomes to a national or state research organization, as detailed in
36 rule; and

37 (d) Fees determined by the secretary as provided in RCW 43.70.250
38 and 43.70.280.

1 (2) The secretary shall write rules regarding the renewal
2 requirements and the department's process for verification of the
3 third-party data submission.

4 **Sec. 5.** RCW 18.50.108 and 1981 c 53 s 14 are each amended to
5 read as follows:

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

13 **Sec. 6.** RCW 18.50.115 and 2019 c 55 s 1 are each amended to read
14 as follows:

15 (1) A midwife licensed under this chapter may obtain and
16 administer prophylactic ophthalmic medication, postpartum oxytocic,
17 vitamin K, Rho immune globulin (human), and local anesthetic and may
18 administer such other drugs or medications as prescribed by a
19 physician, an advanced registered nurse practitioner, a naturopath,
20 or a physician assistant acting within the practitioner's scope of
21 practice. A pharmacist who dispenses such drugs to a licensed midwife
22 shall not be liable for any adverse reactions caused by any method of
23 use by the midwife.

24 (2) A midwife licensed under this chapter who has been granted a
25 limited prescriptive license extension by the secretary may
26 prescribe, obtain, and administer:

27 (a) Antibiotic, antiemetic, antiviral, antifungal, low-potency
28 topical steroid, and antipruritic medications and therapies, and
29 other medications and therapies as defined in the midwifery legend
30 drugs and devices rule for the prevention and treatment of conditions
31 that do not constitute a significant deviation from normal in
32 pregnancy or postpartum; and

33 (b) Hormonal and nonhormonal family planning methods.

34 (3) A midwife licensed under this chapter who has been granted an
35 additional license extension to include medical devices and implants
36 by the secretary may prescribe, obtain, and administer hormonal and
37 nonhormonal family planning medical devices, as prescribed in rule.

1 (4) The secretary, after ~~((consultation))~~ collaboration with
2 representatives of the ~~((midwife))~~ midwifery advisory committee, the
3 pharmacy quality assurance commission, and the Washington medical
4 commission, may adopt rules that authorize licensed midwives to
5 ~~((purchase and use))~~ prescribe, obtain, and administer legend drugs
6 and devices in addition to the drugs authorized in this chapter.

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