

CHAPTER 319

(House Bill 1407)

AN ACT concerning

Birth Options Preservation ~~Act~~ Study

FOR the purpose of ~~prohibiting the State Board of Nursing from requiring nurse midwives to have certain written agreements with physicians; requiring nurse midwives to make available to the Board a copy of certain Practice Guidelines under certain circumstances; defining a certain term~~ requiring the State Board of Nursing and the State Board of Physicians to conduct a joint study on a requirement for a certain agreement between a certified nurse-midwife and a licensed physician; requiring that the Boards collaborate with certain entities; requiring that the study include a review of certain standards and ~~determine~~ certain recommendations; requiring the Boards to report to certain committees of the General Assembly on or before a certain date; and generally relating to ~~the practice~~ a study of nurse midwifery.

~~BY repealing and reenacting, with amendments,
Article — Health Occupations
Section 8-601 and 8-602
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)~~

~~BY adding to
Article — Health Occupations
Section 8-602.1
Annotated Code of Maryland
(2005 Replacement Volume and 2007 Supplement)~~

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:~~

~~Article — Health Occupations~~

~~8-601.~~

~~(A) In this subtitle[:] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) “AMERICAN COLLEGE OF NURSE MIDWIVES” MEANS THE NATIONAL ORGANIZATION THAT SETS EDUCATION AND PRACTICE STANDARDS NATIONWIDE FOR CERTIFIED NURSE MIDWIVES.~~

~~(C) "AMERICAN MIDWIFERY CERTIFICATION BOARD, INC." MEANS THE NATIONAL CERTIFYING BODY FOR CERTIFIED NURSE-MIDWIVES.~~

~~[(1)](D) (1) "Practice nurse midwifery" means the management and care of essentially normal newborns and of essentially normal women antepartally, intrapartally and postpartally.~~

~~(2) "Practice nurse midwifery" includes:~~

~~(i) Family planning and well woman reproductive care;~~

~~(ii) The prescribing of substances commonly used in the practice of nurse midwifery as determined by the Board in consultation with the State Board of Pharmacy and the State Board of Physicians;~~

~~(iii) The prescribing of controlled substances on Schedules II, III, IV, and V commonly used in the practice of nurse midwifery as determined by the Board in consultation with the State Board of Pharmacy and the State Board of Physicians; and~~

~~(iv) The dispensing of the substances prescribed in accordance with the provisions of subparagraphs (ii) and (iii) of this paragraph in the course of treating a patient at:~~

~~1. A medical facility or clinic that is operated on a nonprofit basis;~~

~~2. A health center that operates on a campus of an institution of higher education; or~~

~~3. A public health facility, a medical facility under contract with a State or local health department, or a facility funded with public funds.~~

~~§ 602.~~

~~(A) The practice of nurse midwifery is governed by rules and regulations that are adopted under § 8-205 of this title and that concern additional acts in the practice of registered nursing.~~

~~(B) THE BOARD MAY NOT REQUIRE A CERTIFIED NURSE-MIDWIFE TO HAVE A SIGNED WRITTEN AGREEMENT WITH A PHYSICIAN LICENSED UNDER THIS ARTICLE THAT DESCRIBES THE FUNCTIONS AND SCOPE OF PRACTICE OF THE CERTIFIED NURSE-MIDWIFE.~~

~~8-602.1.~~

~~ON THE REQUEST OF THE BOARD, AN INDIVIDUAL WHO IS CERTIFIED AS A NURSE-MIDWIFE BY THE AMERICAN MIDWIFERY CERTIFICATION BOARD, INC. SHALL MAKE AVAILABLE TO THE BOARD A COPY OF THE WRITTEN PRACTICE GUIDELINES REQUIRED BY THE STANDARDS FOR THE PRACTICE OF MIDWIFERY OF THE AMERICAN COLLEGE OF NURSE-MIDWIVES.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) The State Board of Nursing and the State Board of Physicians shall conduct a joint study to determine *whether there is* an appropriate alternative written protocol to replace the current requirement for a certified nurse-midwife to have a signed written collaborative agreement with a licensed physician.

(b) The Boards shall conduct the study in collaboration with:

(1) The Obstetrical and Gynecologic Society of Maryland;

(2) The Maryland Hospital Association; and

(3) The American College of Nurse-Midwives, Maryland Chapter.

(c) The study shall include a review of requirements under Standard V of the Standards for the Practice of Midwifery of the American College of Nurse-Midwives to determine whether to incorporate its requirements into the State regulation of certified nurse-midwives.

~~The~~ *If a determination is made under subsection (a) of this section that there is an appropriate alternative written protocol, then the study shall determine include recommendations to replace the requirement for a signed written collaborative agreement with an alternative written protocol that clarifies procedures for consultation, collaboration, and referral between a certified nurse-midwife and a licensed physician.*

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2009, the State Board of Nursing and the State Board of Physicians shall report to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee, in accordance with § 2-1246 of the State Government Article, on the results and recommendations of the study.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2008~~ June 1, 2008.

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MARTIN O'MALLEY, Governor

Approved by the Governor, April 24, 2008.