



## **H.B. 477**

124th General Assembly  
(As Introduced)

**Reps. Fessler, Grendell, Webster, McGregor, Barrett, Carano, Key, Oakar, Sullivan**

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### **BILL SUMMARY**

- Creates the Midwifery Board.
- Allows the Midwifery Board to license and regulate persons to practice midwifery in Ohio, but does not require any person to obtain a license prior to engaging in the practice of midwifery in this state.
- Requires the Midwifery Board to supervise and regulate the practice of midwifery and give the Board the authority to adopt rules to accomplish that purpose.
- Requires the Midwifery Board to submit an annual report to the Governor, Speaker of the House of Representatives, and the President of the Senate regarding midwifery issues.

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### **CONTENT AND OPERATION**

#### **Midwifery Board**

(sec. 3779.04)

The bill creates the Midwifery Board (hereafter "Board"). The Board consists of seven members, five of whom are appointed by the Governor based on the recommendations of the Ohio midwives alliance. Four of the five members appointed by the Governor must be midwives, two of whom must be midwives certified by the North American registry of midwives. The fifth member appointed by the Governor must be a person who has been a consumer of out-of-hospital midwifery services. The Speaker of the House of Representatives is required to appoint one member of the House to the Board and the President of the

Senate is required to appoint one member of the Senate to the Board. Members of the Board appointed by the Speaker and the President are nonvoting members.

**Appointment of members to the Midwifery Board**

(sec. 3779.04)

Of the initial appointments made by the Governor, one midwife certified by the North American registry of midwives, and one other midwife will serve for a three-year term; one midwife certified by the North American registry of midwives and one other midwife will serve for a two-year term; and the consumer of out-of-hospital midwifery services will serve for a one-year term. Thereafter, terms of office are three years. Members of the Board appointed by the Speaker of the House and the Senate President serve during the time they hold office in the chamber of the general assembly from which they were appointed. Each other member of the Board holds office from the date of the member's appointment until the end of the term for which the member was appointed. A member of the Board may be reappointed on termination of the member's prior Board term. All midwife members appointed to the Board, other than the initial appointees, must have a license to practice midwifery issued by the Midwifery Board.

Vacancies are filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed will hold office as a member for the remainder of that term. A member continues in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of 60 days have elapsed, whichever occurs first.

**Compensation**

(sec. 3779.04)

The Board may compensate its members for service on the Board and may reimburse them for expenses incurred in relation to their service.

**Board meetings**

(sec. 3779.05)

The Governor, Speaker of the House, and President of the Senate are required to make the initial appointments to the Midwifery Board prior to the Board's first meeting, which must take place no later than 30 days after the bill's effective date. After the initial meeting, the Board is required to meet at times provided in rule, on the call of the chairperson, or upon the request of a quorum of the Board members. A quorum of the Board consists of three members with

authority to vote. Meetings may be held anywhere in Ohio, as designated by the Board. The Board may obtain office space and establish offices in which to conduct meetings and fulfill its duties under law. The concurrence of at least three members with authority to vote is necessary for the Board to take any official action.

**Board administrative duties**

(secs. 3779.06, 3779.07, and 3779.08)

The Board is required to supervise and regulate the practice of midwifery in Ohio. In order to fulfill this duty, the Board may adopt, pursuant to the Administrative Procedure Act, any rules necessary and proper to govern the practice of midwifery including rules that improve the practice of midwifery and support the professional development of midwives, and establish standards for the practice of midwifery.

The Board is required to prepare and submit no later than the first day of September of each year a report to the Governor, the Speaker of the House of Representatives, and the President of the Senate that addresses the status, needs, and major problems regarding out-of-hospital births aided by midwives in the state, with recommendations for legislative action. The Board also is required to prepare and submit to the Director of Budget and Management the biennial budgetary request for the Board.

The Board may appoint an individual who is not a member of the Board to serve as Executive Director of the Board. The Executive Director serves at the pleasure of the Board and is required to do all of the following:

- (1) Serve as the Board's chief administrative officer;
- (2) Act as custodian of the Board's records;
- (3) Execute all of the Board's orders.

The Board may employ staff who are not members of the Board to serve at the pleasure of the Board and provide clerical, technical, or other assistance the Board considers necessary.

### **Board licensing duties**

(secs. 3779.11, 3779.12, 3779.13, and 3779.14)

The Board is required to issue licenses to persons to practice midwifery. Under the bill, however, no person is required to obtain a license from the Board in order to practice midwifery in Ohio.

In accordance with the Administrative Procedure Act, the Board must adopt rules establishing the types of licenses that may be issued to practice midwifery and rules governing the application for, issuance of, and renewal of those licenses, including rules that establish the following:

- (1) The requirements necessary for obtaining a license;
- (2) Restrictions on the scope of practice of licensees;
- (3) The intervals at which a license must be renewed;
- (4) The amount of the license application, issuance, and renewal fees.

All money collected by the Board from license application, issuance, or renewal fees is required to be deposited in the state treasury to the credit of the State Midwifery Board Fund created by the bill. Money in the fund must be used solely for the operation and administration of the Board and to carry out its duties.

The bill allows the Board to refuse to grant or renew or to suspend or revoke any license issued by the Board. The Board may reprimand or place on probation any license holder for any act or behavior that the Board determines, after an adjudication the Administrative Procedure Act, to be incompatible or inconsistent with the standards of the practice of midwifery. The Board is required to adopt rules in accordance with the Administrative Procedure Act that specify the acts and behaviors that are incompatible or inconsistent with the standards of the practice of midwifery, and that provide guidelines regarding the imposition of discipline.

The Board is also charged with the duty of requiring each person who holds a license issued by the Board to report to the Board no later than June 1 of each year to specify the number of births attended by the licensee, the outcome of each birth, and any other information the Board may require pursuant to rules adopted by the Board.

**Exemptions**

(sec. 3779.03)

Under the bill, no person is required to obtain a license from the Midwifery Board before practicing midwifery in Ohio. In addition to that blanket exemption, the bill also specifies that the licensing authority and regulation of the Board does not apply to persons who are authorized to practice as certified nurse midwives by the Board of Nursing (see Chapter 4723. of the Revised Code, not in this bill).

**Definitions**

(secs. 3779.01 and 3779.02)

Under the bill, a midwife is a person who practices midwifery which refers to a person providing primary care to, or advising, attending, or assisting, a woman during pregnancy, labor, and childbirth and the postpartum period.

The bill specifies that the practice of midwifery does not include the practice of medicine and surgery or osteopathic medicine and surgery, the practice of nursing, or the practice of any health-related profession or the provision of any health-related service for which a license, certificate to practice, registration, or other authorization is issued by any board or agency of this state other than the Midwifery Board.

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	01-22-02	p. 1282

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