



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2005 Assembly Bill 709

**Assembly Amendments
1, 2, 3, and 4**

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Assembly Bill 709 requires the Department of Regulation and Licensing (DRL) to license as midwives those persons who submit evidence satisfactory to DRL of either of the following: (1) the person holds a valid certified professional midwife credential granted by the North American Registry of Midwives or a successor organization; or (2) the person holds a valid certified nurse-midwife credential granted by the American College of Nurse Midwives or a successor organization, and attends births in out-of-hospital settings.

The bill requires DRL to promulgate rules necessary to administer the statute dealing with midwives. The rules need to be consistent with the standards regarding the practice of midwifery established by the National Association of Certified Professional Midwives or a successor organization, except that: (1) the rules must allow a licensed midwife to administer oxygen; and (2) the rules may allow a licensed midwife to administer oxytocin (Pitocin) as a postpartum antihemorrhagic agent, intravenous fluids for stabilization, vitamin K, eye prophylactics, and other drugs or procedures as determined by DRL. DRL rules may not do any of the following: (1) require a licensed midwife to have a nursing degree or diploma; (2) require a licensed midwife to practice under the supervision of, or in collaboration with, another health care provider; (3) require a licensed midwife to enter into an agreement with another health care provider; (4) limit the location where a licensed midwife may practice; or (5) permit a licensed midwife to use forceps or vacuum extraction.

The bill states that no person may use the title “licensed midwife,” describe or imply that he or she is a licensed midwife, or represent himself or herself as a licensed midwife unless the person is granted a license by DRL or is a licensed nurse-midwife. The bill also states that a licensed midwife must, at an initial consultation with a client, provide a copy of the DRL rules and disclose to the client in writing all of the following: (1) the licensed midwife’s experience and training; (2) whether the licensed midwife has malpractice liability insurance coverage and the policy limits of any such coverage; (3) a protocol for medical emergencies, including transportation to a hospital, particular to each client; and (4) any other information required by DRL rule.

Assembly Amendment 1 deletes one of the requirements for licensure for persons who hold a valid certified nurse-midwife credential granted by the American College of Nurse Midwives or a successor organization. The amendment deletes the language “and he or she attends births in out-of-hospital settings.”

Assembly Amendment 2 states that no person may engage in the practice of midwifery unless the person is licensed by DRL, is granted a temporary permit by DRL, or is a licensed nurse-midwife. The amendment also requires that the DRL rules shall provide for the granting of temporary permits to practice midwifery pending qualification for licensure.

Assembly Amendment 3 requires that the information that a licensed midwife must provide at an initial consultation with a client must be disclosed orally, in addition to being disclosed in writing.

Assembly Amendment 4 removes from the statutes an obsolete cross-reference to a statute that was previously eliminated.

Legislative History

On November 22, 2005, the Assembly Committee on Health recommended adoption of Assembly Amendments 1, 2, and 3, and passage of the bill as amended, all by votes of Ayes, 11; Noes, 1. On January 25, 2006, the Joint Committee on Finance recommended adoption of Assembly Amendments 1, 2, 3, and 4, and passage of the bill as amended, all by votes of Ayes, 15; Noes, 1.

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