

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 2/18/87

HOUSE BILL 1625

By: Representatives Ellis, Collier and Willems

AS ENGROSSED 2/25/87

AS ENGROSSED 3/23/87

"AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO LICENSE
LAY MIDWIVES STATEWIDE; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. This Act shall be known as the Licensed Lay Midwife Act.

SECTION 2. For the purposes of this Act, a lay midwife is any person, other than a physician or nurse-midwife or a licensed nurse practicing within the scope of the Arkansas Nurse Practice Act, who performs for compensation those skills relevant to the management of women in the antepartum, intrapartum, and postpartum period of the maternity cycle.

SECTION 3. It is the purpose and intent of this Act to grant the State Board of Health the authority to license lay midwives statewide, and it is furthermore the intent of this Act to supersede Act 838 of 1983, and that this Act is to be the sole authority of the State Board of Health to license midwives. Furthermore, it is the intent of this Act that the State Board of Health continue its present lay midwife licensure program but expand that program to be applicable statewide. Therefore, the State Board of Health is hereby empowered to license lay midwives in this State pursuant to regulations established by the Board to include but not be limited to: (a) the qualifications for licensure, (b) standards of practice for prenatal, intrapartum, and postpartum care of mother and baby, (c) physician supervision, physician consultation, licensed nurse midwife supervision and/or consultation, and/or physician/hospital backup, (d) grievance procedures, (e) record-keeping and reporting. The lawful practice of lay midwifery shall be under the supervision of a physician licensed under the Arkansas Medical Practices

Act. The Board may suspend or revoke any licenses issued under this Act for violations of this Act or regulations promulgated under this Act.

SECTION 4. Any person who has been licensed or is presently licensed as a lay midwife under Act 838 of 1983, as well as any person who has met eligibility for licensure with the exception of county of practice, shall be entitled to licensure under this Act.

SECTION 5. It is unlawful for any person not licensed as a lay midwife by the State Board of Health, excluding licensed nurse-midwives and physicians licensed by the State Medical Board, to:

- (a) receive compensation for attending birth as a lay midwife; or
- (b) indicate by any means that such person is licensed to practice lay midwifery in the State of Arkansas.

Anyone unlawfully practicing lay midwifery without a license shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$100.00 nor more than \$500.00, or by imprisonment in the county jail for a period of not less than one week nor more than six months, or by fine and imprisonment. The courts of this State having general equity jurisdiction are hereby vested with jurisdiction and power to enjoin the unlawful practice of midwifery in a proceeding by the Board or any member thereof, or by any citizen of this State in the county in which the alleged unlawful practice occurred or in which the defendant resides, or in Pulaski County. The issuance of an injunction shall not relieve a person from criminal prosecution for violation of the provisions of this Act, but such remedy of injunction shall be in addition to liability to criminal prosecution. Provided however, currently practicing lay midwives may be issued a temporary permit to practice, which shall expire six months from the date of issuance, provided that they are otherwise in compliance with the rules and regulations.

SECTION 6. This Act shall not prohibit the attendance at birth of the mother's choice of family, friends or other uncompensated labor support attendants.

SECTION 7. Neither Act 198 of 1957, as amended, commonly referred to as

the Medical Practices Act, nor Act 824 of 1983 entitled "The Arkansas Nurse Midwifery Act" shall be construed as prohibiting the practice of midwifery by persons licensed under this Act.

SECTION 8. When a birth occurs without a physician in attendance at or immediately after the birth but with a licensed midwife in attendance at or immediately after the birth, it shall be the responsibility of the midwife to prepare the certificate of birth required by Act 120 of 1981 (the Vital Statistics Act) and to file the same with the Division of Vital Records in the manner and within the time prescribed by Act 120 of 1981. The failure of the midwife to prepare and file the certificate of birth shall, in addition to the penalties prescribed by Act 120 of 1981, constitute grounds for the suspension or revocation of the license granted under this Act.

SECTION 9. All laws and parts of laws in conflict with this Act are hereby repealed.

/s/ Pat Ellis et al

