

SECOND REGULAR SESSION

# SENATE BILL NO. 637

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS CAUTHORN, GROSS AND BARNITZ.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3351S.02I

## AN ACT

To repeal sections 334.010, 334.190, and 334.260, RSMo, and to enact in lieu thereof two new sections relating to the practice of midwifery.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 334.010, 334.190, and 334.260, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as sections 210.029 and  
3 334.010, to read as follows:

**210.029. 1. As used in this section, the following terms mean:**

2 **(1) "Antepartum", before birth;**

3 **(2) "Client", a person who retains the services of a midwife;**

4 **(3) "Intrapartum", during birth;**

5 **(4) "Midwife", any person who is certified by the North American**  
6 **Registry of Midwives (NARM) as a certified professional midwife (CPM)**  
7 **and provides for compensation those skills relevant to the care of**  
8 **women and infants in the antepartum, intrapartum, and postpartum**  
9 **period;**

10 **(5) "Postpartum", six-week period following birth.**

11 **2. Notwithstanding any other provision of the law, a midwife**  
12 **providing a service of midwifery shall not be deemed to be engaged in**  
13 **the practice of medicine, nursing, nurse-midwifery, or any other**  
14 **medical or health practice.**

15 **3. A person who regularly provides a service of midwifery for**  
16 **compensation shall present a written disclosure statement, updated**  
17 **annually, to each client, including but not limited to, the following:**

18 **(1) A description of midwifery education and related training,**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 including but not limited to:

20 (a) Current certified professional midwife credential;

21 (b) An affidavit verifying the attendance of the midwife at a  
22 minimum of forty births in homes or other out-of-hospital settings,  
23 including the provision of antepartum, intrapartum, and postpartum  
24 care;

25 (c) Completion of at least ten hours per year continuing  
26 education in midwifery or related fields;

27 (d) Completion of at least three hours per year of peer review;

28 and

29 (e) Current certification in adult and infant pulmonary  
30 resuscitation (CPR) and either infant CPR or neonatal resuscitation;

31 (2) The number of years of experience as a midwife;

32 (3) The number of women assisted in childbirth as a midwife;

33 (4) The benefits and risks associated with childbirth in the  
34 setting selected by the client;

35 (5) A statement concerning the midwife's malpractice or liability  
36 insurance coverage;

37 (6) A plan, specific to the client, for transfer to medical care, if  
38 needed.

39 4. A person shall not be subject to the provisions of paragraph  
40 (a) of subdivision (1) of subsection 3 of this section if said person:

41 (1) Is a resident of this state; and

42 (2) Is at least twenty-one years of age; and

43 (3) Has passed the North American Registry of Midwives Skills  
44 Assessment; and

45 (4) Provides an affidavit to the client verifying that such person  
46 has provided a service of midwifery for at least fifteen of the last  
47 twenty years before August 28, 2006.

48 5. A person who is a member of a religious sect established under  
49 federal Social Security Act, 42 U.S.C. Section 301, et. seq. shall not be  
50 subject to the provisions of subsection 3 of this section.

51 6. Except as otherwise provided by law, only the midwife who  
52 provided care to the client shall be liable for any negligent, willful, or  
53 wanton act or omission by such midwife.

54 7. The provisions of this section shall be remedial and curative  
55 in nature.

334.010. 1. It shall be unlawful for any person not now a registered  
2 physician within the meaning of the law to practice medicine or surgery in any  
3 of its departments, to engage in the practice of medicine across state lines or to  
4 profess to cure and attempt to treat the sick and others afflicted with bodily or  
5 mental infirmities, [or engage in the practice of midwifery in this state,] except  
6 as herein provided.

7 2. For the purposes of this chapter, the "practice of medicine across state  
8 lines" shall mean:

9 (1) The rendering of a written or otherwise documented medical opinion  
10 concerning the diagnosis or treatment of a patient within this state by a  
11 physician located outside this state as a result of transmission of individual  
12 patient data by electronic or other means from within this state to such physician  
13 or physician's agent; or

14 (2) The rendering of treatment to a patient within this state by a  
15 physician located outside this state as a result of transmission of individual  
16 patient data by electronic or other means from within this state to such physician  
17 or physician's agent.

18 3. A physician located outside of this state shall not be required to obtain  
19 a license when:

20 (1) In consultation with a physician licensed to practice medicine in this  
21 state; and

22 (2) The physician licensed in this state retains ultimate authority and  
23 responsibility for the diagnosis or diagnoses and treatment in the care of the  
24 patient located within this state; or

25 (3) Evaluating a patient or rendering an oral, written or otherwise  
26 documented medical opinion, or when providing testimony or records for the  
27 purpose of any civil or criminal action before any judicial or administrative  
28 proceeding of this state or other forum in this state; or

29 (4) Participating in a utilization review pursuant to section 376.1350,  
30 RSMo.

[334.190. It is unlawful for any person licensed as a  
2 midwife only to engage in any other branch of medical practice or  
3 to advertise herself as doctor, doctress or physician or to use any  
4 letters before or after her name on a sign or otherwise, indicating  
5 that she is authorized to or does engage in any other branch of  
6 medical practice.]

2            [334.260. On August 29, 1959, all persons licensed under  
3            the provisions of chapter 334, RSMo 1949, as midwives shall be  
4            deemed to be licensed as midwives under this chapter and subject  
             to all the provisions of this chapter.]

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