

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 405 By: Stanley of the Senate
3 and
4 Roe of the House
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7 An Act relating to midwifery; amending Section 5,
8 Chapter 40, O.S.L. 2020 (59 O.S. Supp. 2020, Section
9 3040.5), which relates to the Advisory Committee on
10 Midwifery; clarifying appointment procedure and terms
11 of members; removing inapplicable reference; and
12 providing an effective date.
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14 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill
15 and replace with:
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17 "An Act relating to midwifery; amending Section 5,
18 Chapter 40, O.S.L. 2020 (59 O.S. Supp. 2020, Section
19 3040.5), which relates to the Advisory Committee on
20 Midwifery; clarifying appointment procedure and
21 terms of members; removing inapplicable reference;
22 amending Section 9, Chapter 40, O.S.L. 2020 (59 O.S.
23 Supp. 2020, Section 3040.9), which relates to
24 violations; providing for investigation; providing
for confidentiality of investigative records;
amending Section 13, Chapter 40, O.S.L. 2020 (59
O.S. Supp. 2020, Section 3040.13), which relates to
state roster of licensed midwives; prohibiting
submission of certain information; providing for
purpose of certain confidential records; and
providing an effective date.
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 5, Chapter 40, O.S.L. 2020
(59 O.S. Supp. 2020, Section 3040.5), is amended to read as follows:

Section 3040.5 A. There is hereby created, to continue until
July 1, 2026, ~~in accordance with the provisions of the Oklahoma
Sunset Law,~~ an Advisory Committee on Midwifery, which shall consist
of seven (7) voting members to be appointed by the State
Commissioner of Health as follows:

1. Three licensed midwives, each of whom has at least three (3)
years of experience in the practice of midwifery;

2. One Certified Nurse-Midwife;

3. One physician who is certified by a national professional
organization of physicians that certifies obstetricians and
gynecologists and supports the practice of midwifery;

4. One physician who is certified by a national professional
organization of physicians that certifies family practitioners or
pediatricians and supports the practice of midwifery; and

5. One member of the general public who is not practicing or
trained in a health care profession, and who is a parent with at
least one child born with the assistance of a licensed midwife or a
Certified Nurse-Midwife.

B. Members of the Committee shall ~~serve for staggered terms of
six (6) years. The terms of three members shall expire on January
31 of each odd-numbered year~~ be divided into three classes. The
initial terms of the first class shall expire on January 31, 2023,

1 and subsequent terms shall expire on January 31 of each sixth year
2 thereafter. The initial terms of the second class shall expire on
3 January 31, 2025, and subsequent terms shall expire on January 31 of
4 each sixth year thereafter. The initial terms of the third class
5 shall expire on January 31, 2027, and subsequent terms shall expire
6 on January 31 of each sixth year thereafter. Members shall serve
7 until a qualified successor has been duly appointed. The
8 Commissioner shall fill a vacancy no later than sixty (60) days from
9 the date the vacancy occurs. No person shall be appointed to serve
10 more than two (2) consecutive terms.

11 C. The Committee shall annually elect a chair and vice-chair
12 from among its members.

13 D. The Committee shall meet at least semiannually and at any
14 other time at the call of the chair or the Commissioner.

15 E. The Committee shall meet in accordance with the Oklahoma
16 Open Meeting Act.

17 F. A majority of the members of the Committee, including at
18 least two licensed midwives, shall constitute a quorum for the
19 conduct of Committee business.

20 G. 1. The Committee shall advise the Commissioner on all
21 matters pertaining to midwifery including but not limited to:

22 a. scope and standards of practice,
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- b. licensure requirements, examination requirements, exceptions thereto, renewal requirements, temporary licensure and endorsement or reciprocity requirements,
- c. methods and requirements for ensuring the continued competence of licensed and registered persons, including the type of courses and number of hours required to meet the basic midwifery education course and continuing midwifery education course requirements, and instructors or facilities used in the basic and continuing education requirements,
- d. procedures for reporting of outcomes including, but not limited to, live births and fetal, newborn or maternal deaths,
- e. grounds for reporting and processing complaints, violations, probation, revocation or suspension of license or reinstatement provisions, and
- f. all other matters which may pertain to the practice of midwifery.

2. The Committee shall review and make recommendations to the Commissioner on all applications for licensure.

3. The Committee shall assist and advise the Commissioner in all hearings related to the enforcement of Shepherd's Law. The Committee shall review all complaints and make recommendations to the Commissioner on appropriate disciplinary action including, but

1 not limited to, administrative fines, license revocation and license
2 suspension.

3 SECTION 2. AMENDATORY Section 9, Chapter 40, O.S.L. 2020
4 (59 O.S. Supp. 2020, Section 3040.9), is amended to read as follows:

5 Section 3040.9 A. Effective July 1, 2021, any person who holds
6 himself or herself out to be, represents himself or herself to be or
7 uses the title of Certified Professional Midwife or Certified
8 Midwife, without holding a license issued by the State Commissioner
9 of Health, or who is in violation of any provision of Shepherd's Law
10 shall be subject to an administrative fine for each day found to be
11 in violation. The amount of any fine shall be determined by the
12 Commissioner within limits set by the Commissioner pursuant to rules
13 adopted and promulgated by the Commissioner and may be in addition
14 to any other penalty provided by the Commissioner or otherwise
15 provided by law.

16 B. The Advisory Committee on Midwifery may cause to be
17 investigated all reported violations of Shepherd's Law. Information
18 obtained during investigations of possible violations of Shepherd's
19 Law shall be kept confidential but may be introduced by the State
20 Department of Health in proceedings before the Committee, whereupon
21 the information admitted shall become public record. Public records
22 maintained by the Department shall be administrative records, not
23 civil or criminal records.
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1 C. Confidential investigative records shall not be subject to
2 discovery or subpoena in any civil or criminal proceeding; provided,
3 however, the Committee may give such information to law enforcement
4 and other state agencies as necessary and appropriate in the
5 discharge of the duties of that agency and only under circumstances
6 that ensure against unauthorized access to the confidential
7 investigative records.

8 SECTION 3. AMENDATORY Section 13, Chapter 40, O.S.L.
9 2020 (59 O.S. Supp. 2020, Section 3040.13), is amended to read as
10 follows:

11 Section 3040.13 A. The State Department of Health shall
12 maintain a roster of each person licensed as a midwife in this
13 state. The roster shall contain for each licensed midwife the
14 information required on the informed choice and disclosure statement
15 under Section ~~10~~ 3040.10 of this ~~act~~ title and other information the
16 Department determines necessary to accurately identify each licensed
17 midwife. The roster shall be a public document available under the
18 Oklahoma Open Records Act.

19 B. The Department shall provide each county clerk and each
20 local registrar of births in a county with the name of each midwife
21 practicing in the county.

22 C. Any data required to be submitted to the Department pursuant
23 to Shepherd's Law shall not contain any personally identifying
24 information of the client by the midwife and shall be considered

1 confidential records collected for statistical information purposes
2 only.

3 SECTION 4. This act shall become effective November 1, 2021."

4 Passed the House of Representatives the 20th day of April, 2021.

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6 _____
7 Presiding Officer of the House
8 of Representatives

9 Passed the Senate the ____ day of _____, 2021.

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12 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 405

By: Stanley of the Senate

3 and

4 Roe of the House

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7 Chapter 40, O.S.L. 2020 (59 O.S. Supp. 2020, Section
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gynecologists and supports the practice of midwifery;

1 4. One physician who is certified by a national professional
2 organization of physicians that certifies family practitioners or
3 pediatricians and supports the practice of midwifery; and

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5 trained in a health care profession, and who is a parent with at
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- 14 c. methods and requirements for ensuring the continued
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17 required to meet the basic midwifery education course
18 and continuing midwifery education course
19 requirements, and instructors or facilities used in
20 the basic and continuing education requirements,
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22 not limited to, live births and fetal, newborn or
23 maternal deaths,

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SECTION 6. This act shall become effective November 1, 2021.

Passed the Senate the 2nd day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2021.

Presiding Officer of the House
of Representatives

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