

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB405 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Cynthia Roe

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 405

By: Stanley of the Senate

and

Roe of the House

FLOOR SUBSTITUTE

An Act relating to midwifery; amending Section 5, Chapter 40, O.S.L. 2020 (59 O.S. Supp. 2020, Section 3040.5), which relates to the Advisory Committee on Midwifery; clarifying appointment procedure and terms of members; removing inapplicable reference; amending Section 9, Chapter 40, O.S.L. 2020 (59 O.S. Supp. 2020, Section 3040.9), which relates to 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:

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

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

8 2. One Certified Nurse-Midwife;

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

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

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

19 B. Members of the Committee shall ~~serve for staggered terms of~~
20 ~~six (6) years. The terms of three members shall expire on January~~
21 ~~31 of each odd-numbered year~~ be divided into three classes. The
22 initial terms of the first class shall expire on January 31, 2023,
23 and subsequent terms shall expire on January 31 of each sixth year
24 thereafter. The initial terms of the second class shall expire on

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

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

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

13 E. The Committee shall meet in accordance with the Oklahoma
14 Open Meeting Act.

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

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

- 20 a. scope and standards of practice,
- 21 b. licensure requirements, examination requirements,
- 22 exceptions thereto, renewal requirements, temporary
- 23 licensure and endorsement or reciprocity requirements,
- 24

- 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 not limited to, administrative fines, license revocation and license suspension.

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

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

14 B. The Advisory Committee on Midwifery may cause to be
15 investigated all reported violations of Shepherd's Law. Information
16 obtained during investigations of possible violations of Shepherd's
17 Law shall be kept confidential but may be introduced by the State
18 Department of Health in proceedings before the Committee, whereupon
19 the information admitted shall become public record. Public records
20 maintained by the Department shall be administrative records, not
21 civil or criminal records.

22 C. Confidential investigative records shall not be subject to
23 discovery or subpoena in any civil or criminal proceeding; provided,
24 however, the Committee may give such information to law enforcement

1 and other state agencies as necessary and appropriate in the
2 discharge of the duties of that agency and only under circumstances
3 that ensure against unauthorized access to the confidential
4 investigative records.

5 SECTION 3. AMENDATORY Section 13, Chapter 40, O.S.L.
6 2020 (59 O.S. Supp. 2020, Section 3040.13), is amended to read as
7 follows:

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

16 B. The Department shall provide each county clerk and each
17 local registrar of births in a county with the name of each midwife
18 practicing in the county.

19 C. Any data required to be submitted to the Department pursuant
20 to Shepherd's Law shall not contain any personally identifying
21 information of the client by the midwife and shall be considered
22 confidential records collected for statistical information purposes
23 only.

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

58-1-8134 AB 04/13/21