

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 405

By: Stanley of the Senate

and

Roe of the House

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9 An Act relating to midwifery; amending Section 5,
10 Chapter 40, O.S.L. 2020 (59 O.S. Supp. 2020, Section
11 3040.5), which relates to the Advisory Committee on
12 Midwifery; clarifying appointment procedure and terms
13 of members; removing inapplicable reference; and
14 providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY Section 5, Chapter 40, O.S.L. 2020
17 (59 O.S. Supp. 2020, Section 3040.5), is amended to read as follows:

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

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

2. One Certified Nurse-Midwife;

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

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

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

11 B. Members of the Committee shall ~~serve for staggered terms of~~
12 ~~six (6) years. The terms of three members shall expire on January~~
13 ~~31 of each odd-numbered year~~ be divided into three classes. The
14 initial terms of the first class shall expire on January 31, 2023,
15 and subsequent terms shall expire on January 31 of each sixth year
16 thereafter. The initial terms of the second class shall expire on
17 January 31, 2025, and subsequent terms shall expire on January 31 of
18 each sixth year thereafter. The initial terms of the third class
19 shall expire on January 31, 2027, and subsequent terms shall expire
20 on January 31 of each sixth year thereafter. Members shall serve
21 until a qualified successor has been duly appointed. The
22 Commissioner shall fill a vacancy no later than sixty (60) days from
23 the date the vacancy occurs. No person shall be appointed to serve
24 more than two (2) consecutive terms.

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

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

5 E. The Committee shall meet in accordance with the Oklahoma
6 Open Meeting Act.

7 F. A majority of the members of the Committee including at
8 least two licensed midwives, shall constitute a quorum for the
9 conduct of Committee business.

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

- 12 a. scope and standards of practice,
- 13 b. licensure requirements, examination requirements,
14 exceptions thereto, renewal requirements, temporary
15 licensure and endorsement or reciprocity requirements,
- 16 c. methods and requirements for ensuring the continued
17 competence of licensed and registered persons⁷
18 including the type of courses and number of hours
19 required to meet the basic midwifery education course
20 and continuing midwifery education course
21 requirements, and instructors or facilities used in
22 the basic and continuing education requirements,

- 1 d. procedures for reporting of outcomes including, but
2 not limited to, live births and fetal, newborn or
3 maternal deaths,
4 e. grounds for reporting and processing complaints,
5 violations, probation, revocation or suspension of
6 license or reinstatement provisions, and
7 f. all other matters which may pertain to the practice of
8 midwifery.

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

11 3. The Committee shall assist and advise the Commissioner in
12 all hearings related to the enforcement of Shepherd's Law. The
13 Committee shall review all complaints and make recommendations to
14 the Commissioner on appropriate disciplinary action including, but
15 not limited to, administrative fines, license revocation and license
16 suspension.

17 SECTION 2. This act shall become effective November 1, 2021.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03/31/2021 -
20 DO PASS.