

NOTICE OF PROPOSED CHANGES TO CERTIFICATION BY EXAMINATION AND CREDENTIALS, APPRENTICE PERMIT, EXAMINATION, APPROVED CONTINUING EDUCATION PROGRAMS, AND INFANT CARE IN THE REGULATIONS OF THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

BRIEF DESCRIPTION: The Board of Certified Direct-Entry Midwives proposes to update various regulations including requirements for applying by examination and credentials, apprentice permit, approved continuing education programs, and infant care performed by a certified direct-entry midwife.

The Board of Certified Direct-Entry Midwives (Board) proposes to adopt regulation changes in Title 12, Chapter 14, of the Alaska Administrative Code, dealing with certification requirements, review of an apprentice permit application, examination, approved continuing education programs, and infant care, including the following:

1. **12 AAC 14.110, Certification by examination**, is proposed to be changed to alter the requirements for a certification by examination.
2. **12 AAC 14.120, Certification by credentials**, is proposed to be changed to alter the requirements for a certification by credentials.
3. **12 AAC 14.130, Review of an apprentice direct-entry midwife permit application**, is proposed to be changed to alter the requirements for obtaining a permit to practice as an apprentice direct-entry midwife.
4. **12 AAC 14.300, Examination**, is proposed to be changed to alter the requirements for applying by examination.
5. **12 AAC 14.430, Approved continuing education programs**, is proposed to be changed to alter the provisions related to approved continuing education programs.
6. **12 AAC 14.530, Infant care**, is proposed to be changed to alter the requirements for infant care by a certified direct-entry midwife.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974, and by electronic mail at marilyn.zimmerman@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/181201>, and using the comment link. **The comments must be received not later than 4:30 p.m. on May 24, 2016.**

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or by e-mail at marilyn.zimmerman@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Midwives.aspx> or on the Alaska Online Public Notice System. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov not later than May 17, 2016 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Marilyn Zimmerman at the address or phone number above, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MID-0416.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.65.030; AS 08.65.050; AS 08.65.060; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.140; AS 08.65.190

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.65.030; AS 08.65.050; AS 08.65.060; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.140; AS 08.65.190

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 4/22/16

/s/
Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION (AS 44.62.190(d))

- 1. Adopting agency:** Board of Certified Direct-Entry Midwives – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
- 2. General subject of regulation:** Certification by examination, certification by credentials, review of an apprentice direct-entry midwife permit application, examination, approved continuing education programs, and infant care.
- 3. Citation of regulation:** 12 AAC 14.110, 12 AAC 14.120, 12 AAC 14.130, 12 AAC 14.300, 12 AAC 14.430, and 12 AAC 14.530.
- 4. Department of Law file number:** To be assigned.
- 5. Reason for the proposed action:** Update and clarification of current regulations, and compliance with state statute.
- 6. Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
- 7. Estimated annual cost to comply with the proposed action to:**
A private person: None.
Another state agency: None.
A municipality: None.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

No costs are expected in FY 2016 or in subsequent years.

9. The name of the contact person for the regulations:

Jun Maiquis, Regulations Specialist
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2537
E-mail: jun.maiquis@alaska.gov

10. The origin of the proposed action: Board of Certified Direct-Entry Midwives.

11. Date: 4/22/16

Prepared by: _____ /s/ _____

Jun Maiquis
Regulations Specialist
(907) 465-2537

Chapter 14. Board of Certified Direct-Entry Midwives.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not underlined.)

12 AAC 14.110(c) is amended to read:

(c) In order to be scheduled for review by the board at its next regularly scheduled meeting, a complete application for certification and all supporting documents, including the requirements of (b) of this section, must be received by the division's Juneau office [AT LEAST 30 DAYS] before the [DATE OF THE NEXT REGULARLY SCHEDULED MEETING OF THE] board **will review the application.**

(Eff. 5/11/94, Register 130; am 4/4/2002, Register 162; am 3/2/2003, Register 165; am 5/2/2004, Register 170; am 8/19/2004, Register 171; am 4/29/2006, Register 178; am 6/29/2013, Register 206; am ___/___/___, Register ___)

Authority: AS 08.65.030 AS 08.65.050

12 AAC 14.120(a) is amended to read:

(a) The board **may** [WILL] issue a certificate by credentials to practice as a direct-entry midwife to an applicant who meets the requirements of AS 08.65.070 and this section.

12 AAC 14.120(c) is amended to read:

(c) In order to be scheduled for review by the board at its next regularly scheduled meeting, a complete application for certification and all supporting documents, including the requirements of (b) of this section, must be received by the division's Juneau office [AT LEAST 30 DAYS] before the [DATE OF THE NEXT REGULARLY SCHEDULED MEETING OF

THE] board **will review the application.**

12 AAC 14.120 is amended by adding a new subsection to read:

(e) In addition to the requirements of this section, the board may request that the applicant be interviewed by the board, or provide additional information relating to the applicant's previous practice, including additional records and written explanations. (Eff. 5/11/94, Register 130; am 4/4/2002, Register 162; am 8/19/2004, Register 171; am 4/29/2006, Register 178; am ___/___/___, Register ____)

Authority: AS 08.65.030 AS 08.65.070

12 AAC 14.130(g) is amended to read:

(g) In this section, "apprenticeship program preceptor" means an individual who meets the supervisory requirements of AS 08.65.090(b); **has a license in good standing and is not under notice of investigation for a significant delivery of care issue.**

(Eff. 5/11/94, Register 130; am 12/26/2003, Register 168; am 8/19/2004, Register 171; am 8/19/2009, Register 191; am ___/___/___, Register ____)

Authority: AS 08.65.030 AS 08.65.090

The introductory language of 12 AAC 14.300(c) is amended to read:

(c) In order to be scheduled for an examination, the following items must be received by the division's Juneau office from the applicant [NO LATER THAN 60 DAYS BEFORE THE SCHEDULED DATE FOR THAT EXAMINATION]:

• • •

Register _____, _____ 2016 **PROFESSIONAL REGULATIONS**

(Eff. 2/18/94, Register 129; am 1/1/2000, Register 152; am 12/9/2001, Register 160; am 3/2/2003, Register 165; am 8/19/2004, Register 171; am 2/23/2007, Register 181; am ___/___/___, Register ___)

Authority: AS 08.65.030 AS 08.65.050 AS 08.65.060

The introductory language of 12 AAC 14.430(b) is amended to read:

(b) A continuing education program sponsored **or approved** by any of the following organizations that meets the requirements of (a) of this section is considered approved by the board:

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12 AAC 14.430(c) is amended to read:

(c) A self-study continuing education program sponsored **or approved** by one of the organizations listed in (b) of this section that meets the requirements of (a) of this section is considered approved by the board.

(Eff. 5/11/94, Register 130; am 12/9/2001, Register 160; am 4/4/2002, Register 162; am ___/___/___, Register ___)

Authority: AS 08.65.030 AS 08.65.080

The introductory language of 12 AAC 14.530(a) is amended to read:

(a) A certified direct-entry midwife shall consult with a **pediatric care provider** [PHYSICIAN] concerning an infant who

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12 AAC 14.530(e) is amended to read:

(e) A certified direct-entry midwife shall recommend to the client an evaluation of the infant by a **pediatric care provider** [PHYSICIAN] within one week of birth or sooner if it becomes apparent that the infant needs medical attention.

12 AAC 14.530 is amended by adding a new subsection to read:

(g) A certified direct-entry midwife shall ensure that, as close to 24 hours after the birth as feasible, screening for congenital heart defects through pulse oximetry equipment and methods appropriate for use on a newborn is performed on the newborn, unless screening is refused by one or both parents. (Eff. 5/11/94, Register 130; am 3/2/2011, Register 197; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.140 AS 08.65.190