APPRENTICE PERMIT, SCOPE OF PRACTICE, SUPERVISED CLINICAL EXPERIENCE, RENEWAL REQUIREMENTS, PRENATAL CARE, PERMITTED PRACTICES, INTRAPARTUM CARE, EMERGENCY PRACTICES, MEDICATIONS, EMERGENCY TRANSPORT PLAN, AND PEER REVIEW:
NOTICE OF PROPOSED REGULATIONS CHANGES
BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

BRIEF DESCRIPTION: The Board of Certified Direct-Entry Midwives proposes to update various regulations addressing apprentice permit, supervised clinical experience, renewal requirements, prenatal care, intrapartum care, permitted practices, emergency practices, medications, emergency transport plan, and peer review, and also establishing a scope of practice requirements.

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 review of an apprentice permit application, scope of practice, supervised clinical experience requirements, renewal requirements, prenatal care, intrapartum care, permitted practices, medications, emergency practices, emergency transport plan, and peer review, including the following:

1. **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.

2. **12 AAC 14.150, Scope of practice,** is a proposed new section that establishes scope of practice requirements for a certified direct-entry midwife.

3. **12 AAC 14.210, Supervised clinical experience requirements,** is proposed to be changed to alter the supervised clinical experience requirements.

4. **12 AAC 14.400, Certification renewal requirements,** is proposed to be changed to alter the renewal requirements for certified direct-entry midwives.

5. **12 AAC 14.500, Prenatal care,** is proposed to be changed to alter the requirements for prenatal care by a certified direct-entry midwife.

6. **12 AAC 14.510, Intrapartum care,** is proposed to be changed to alter the requirements for intrapartum care performed by a certified direct-entry midwife.

7. **12 AAC 14.560, Permitted practices,** is proposed to be changed by adding episiotomy to permitted practices by a certified direct-entry midwife.

8. **12 AAC 14.570, Medications,** is proposed to be changed to alter the medication requirements administration by a certified direct-entry midwife.

9. **12 AAC 14.600, Emergency practices,** is proposed to be changed to alter the actions that certified direct-entry midwives may take in an emergency.

10. **12 AAC 14.610, Emergency transport plan,** is proposed to update the authority citation.

11. **12 AAC 14.900, Peer review,** is proposed to be changed to alter the provisions related to peer review.

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 Jun Maiquis, Regulations Specialist, 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 jun.maiquis@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/178248, and using the "comment" link. **The comments must be received no later than 4:30 p.m. on October 16, 2015.**

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806 Juneau, AK 99811-0806 or by e-mail at jun.maiquis@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 response 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 Jun Maiquis at (907) 465-2537 no later than October 9, 2015 to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, contact Jun Maiquis at the address or phone number above, or go to https://www.commerce.alaska.gov/web/portals/5/pub/MID-0815.pdf

After the public comment period ends, the Board will either adopt these or other provisions dealing with the same subject, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **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 08.65.080; AS 08.65.090; AS 08.65.110; AS 08.65.140; AS 08.65.190
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.65.030; AS 08.65.050; AS 08.65.080; AS 08.65.090; AS 08.65.110; AS 08.65.140; AS 08.65.190

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

DATE: 9/14/15

/s/

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

APPRENTICE PERMIT, SCOPE OF PRACTICE, SUPERVISED CLINICAL EXPERIENCE, RENEWAL REQUIREMENTS, PRENATAL CARE, PERMITTED PRACTICES, INTRAPARTUM CARE, EMERGENCY PRACTICES, MEDICATIONS, EMERGENCY TRANSPORT PLAN, AND PEER REVIEW: ADDITIONAL REGULATIONS 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:** Apprentice permit, scope of practice, supervised clinical experience, renewal, prenatal care, intrapartum care, permitted practices, medications, emergency practices, emergency transport plan, and peer review.

3. **Citation of regulation:** 12 AAC 14.130 through 12 AAC 14.900.

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 costs in the aggregate to comply with the proposed action to:**
   a. Private Persons: None.
   b. Other State Agencies: None.
   c. Municipalities: 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:** 9/14/15 **Prepared by:** /s/
    Jun Maiquis, Regulations Specialist

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 14.130(e) is amended to read:

(e) An apprentice direct-entry midwife shall submit written notice to the department within 30 days after any [ADDITION OR] change to the relationship with the apprenticeship program preceptor.

(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

12 AAC 14 is amended by adding a new section to read:

12 AAC 14.150. Scope of practice. (a) A certified direct-entry midwife shall consult with a physician, advanced nurse practitioner, advance practice registered nurse, or certified nurse midwife, who is licensed in this state, and may provide prenatal care and postpartum care, and with approval of the consultant, may provide intrapartum care for a woman who has or has a history of

(1) isoimmunization, epilepsy, heart abnormality, herpes;

(2) psychiatric illness;

(3) a fetus with suspected or diagnosed congenital anomalies;

(4) a chronic maternal medical condition;

(5) is less than 16 years of age at the time of delivery;

(6) well controlled gestational diabetes mellitus A1.

(b) A certified direct-entry midwife may provide co-management of prenatal and postpartum care and may assist a physician or certified nurse midwife during the intrapartum period and delivery of a woman who

(1) has a dichorionic diamniotic twin gestation;

(2) has a fetus of less than 37 weeks gestation;

(3) has a fetus of more than 42 weeks gestation by dates and examination;

(4) has a fetus in any presentation other than cephalic at the onset of labor;

(5) is a nulliparous woman in active labor with a ballotable presenting fetal part;

(6) is a woman in active labor who has ruptured membranes and ballotable presenting fetal part;

(7) has experienced the rupture of membranes greater than 24 hours before active labor;

(8) has had a previous cesarean delivery or other uterine surgery.

(c) A certified direct-entry midwife may not knowingly care for or deliver a woman who

(1) has a history of pulmonary embolism;

(2) has pre-existing diabetes or gestational diabetes mellitus A2

(3) has pre-existing or chronic hypertension;

(4) has Rh disease with an affected fetus;

(5) has tuberculosis, active syphilis, or gonorrhea;

(6) has symptomatic heart or kidney disease;

(7) has current chronic substance abuse;

(8) has pre-eclampsia or eclampsia;

(9) has bleeding with evidence of placenta previa or placenta abruption;

(10) has any condition determined by the board to be of high risk to the pregnant woman, fetus or newborn. (Eff. ___/___/____, Register ____)

Authority: AS 08.65.050 AS 08.65.140

12 AAC 14.210(b)(2) is amended to read:

(2) 10 labor and delivery observations that preceded any primary responsibility for labor and delivery**, and may have been completed prior to the permit being issued**; (Eff. 2/18/94, Register 129; am 4/16/2003, Register 166; am 12/26/2003, Register 168; am 8/19/2004, Register 170; am 4/29/2006, Register 178; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.050

12 AAC 14.400(b)(4) is amended to read:

(4) submit copies that are current at the time of certificate renewal verifying certification in

(A) the Basic Life Support for Health Care Providers Program (BLS); **and**

(B) [INTRAVENOUS THERAPY TREATMENT FOR GROUP B *STREPTOCOCCI*, FROM THE MIDWIVES' ASSOCIATION OF ALASKA (MAA), OR FROM A PROGRAM APPROVED BY THE MIDWIFERY EDUCATION ACCREDITATION COUNCIL (MEAC);

(C) INTRAVENOUS THERAPY, FROM THE MIDWIVES' ASSOCIATION OF ALASKA (MAA), OR FROM A PROGRAM APPROVED BY THE MIDWIFERY EDUCATION ACCREDITATION COUNCIL (MEAC); AND

(D)] the Neonatal Resuscitation Program **(NRP)** [(NPR)] from the American Academy of Pediatrics, or neonatal resuscitation **approved by** [FROM] the Midwives' Association of Alaska (MAA); and

• • •

(Eff. 5/11/94, Register 130; am 5/16/96, Register 138; am 3/2/2003, Register 165; am 5/2/2004, Register 170; am 2/23/2007, Register 181; am 8/19/2009, Register 191; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.080

12 AAC 14.500(b) is amended to read:

(b) At the initial prenatal visit, the certified direct-entry midwife shall recommend that the client undergo a physical examination as required in **AS 08.65.140(1)** [AS 08.65.140] to screen for health problems that could complicate the pregnancy or delivery and that includes a review of the laboratory studies required in (c) of this section. The certified direct-entry midwife shall obtain a signed written consent from the client reflecting the client's informed choice regarding the recommended physical examination and retain the consent in the client's record.

12 AAC 14.500(f) is amended to read:

(f) The certified direct-entry midwife shall comply with **AS 08.65.140(2)** [AS 08.65.140(b)] in obtaining a signed informed consent **before the onset of labor** [FOR HOME DELIVERY].

12 AAC 14.500(i) is amended to read:

(i) If, following the consultation set out in (h) of this section, the physician recommends referral for immediate medical care the certified direct-entry midwife shall refer the client for immediate medical care. A referral for immediate medical care does not preclude the possibility of **an out of hospital** [A HOME] delivery if, following the referral, the client does not have any of the conditions set out in **AS 08.65.140(4) and 12 AAC 14.150** [AS 08.65.140(d)].

(Eff. 5/11/94, Register 130; am 5/2/2004, Register 170; am 10/18/2007, Register 184; am 3/2/2011, Register 197; am 8/10/2011, Register 199; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.140 AS 08.65.190

12 AAC 14.510(d) is amended to read:

(d) A consultation or referral as required in (c) of this section does not preclude the possibility of **an out of hospital** [A HOME] delivery if, following the consultation with a physician or referral for medical care, the client does not have any of the conditions set out in **AS 08.65.140(4) and 12 AAC 14.150** [AS 08.65.140(d)].

(Eff. 5/11/94, Register 130; am 5/2/2004, Register 170; am 10/18/2007, Register 184; am 3/2/2011, Register 197; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.140 AS 08.65.190

12 AAC 14.560(a) is amended by adding a new paragraph to read:

(10) perform an episiotomy.

(Eff. 5/11/94, Register 130; am 5/2/2004, Register 170; am ___/___/____, Register ____)

Authority: AS 08.65.030

Publisher: Please move the connector "and" from the end of 12 AAC 14.560(a)(8) to the end of (a)(9).

12 AAC 14.570(6) is amended to read:

(6) pitocin, administered by intramuscular injection or **intravenously** [INTRAVENOUS DRIP], for the **prevention or treatment** [CONTROL] of postpartum hemorrhage;

12 AAC 14.570(7) is amended to read:

(7) methergine, administered orally or by intramuscular injection, [IN AN EMERGENCY SITUATION] for the **prevention or treatment** [CONTROL] of postpartum hemorrhage [THAT WAS NOT CONTROLLED BY THE ADMINISTRATION OF PITOCIN];

12 AAC 14.570(8) is amended to read:

(8) lactated ringers, plain or with dextrose five percent, or normal saline, up to **2 liters** [2,000 MILLILITERS] administrated intravenously to a client who would benefit from hydration;

(Eff. 5/11/94, Register 130; am 5/2/2004, Register 170; am 10/18/2007, Register 184; am 3/2/2011, Register 197; am 6/29/2013, Register 206; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.190

12 AAC 14.600 is amended to read:

12 AAC 14.600. Emergency practices. In addition to the practices permitted in

AS 08.65.140(4), 12 AAC 14.150, [AS 08.65.140(e) AND (f)] and 12 AAC 14.560, in an emergency a certified direct-entry midwife who has documented training and skills demonstrating competence as set out in 12 AAC 14.560 may **attend or deliver a woman whose condition is outside the scope of practice in AS 08.65.140(4)**

[(1) PERFORM AN EPISIOTOMY; AND

(2) ADMINISTER PITOCIN, METHERGINE, EPINEPHRINE, AND DIPHENHYDRAMINE AS DESCRIBED IN 12 AAC 14.570(6), (7), (10) AND (11)]. (Eff. 5/11/94, Register 130; am 5/2/2004, Register 170; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.140 AS 08.65.190

12 AAC 14.610 is readopted without change:

12 AAC 14.610. Emergency transport plan.

. . .

(Eff. 5/11/94, Register 130; readopt ___/___/____, Register ____)

Authority: AS 08.65.030 [AS 08.65.140] AS 08.65.190

12 AAC 14.900(b)(6) is amended to read:

(6) provide **communication** [RECORDS] to the board and division investigative staff, as requested by the board or division investigative staff; and

12 AAC 14.900(c) is amended to read:

(c) A certified direct-entry midwife shall submit to the board or, if an organization has

been designated under (a) of this section, to that organization the following information:

(1) a copy of the **annual** summary of **primary births attended by** [BIRTH FOR EACH LABOR AND DELIVERY FOR WHICH] the certified direct-entry midwife**, or assisting births that the certified direct-entry midwife is documenting for purposes of re-licensure,** [HAD PRIMARY RESPONSIBILITY] during the 12-month period that began on **January** [APRIL] 1 of the preceding year; the copy must be submitted on or before May 1 of each year;

(2) all records required under 12 AAC 14.540 as requested by the board **or** [THROUGH] the organization providing peer review [FOR CASES SELECTED UNDER (b)(2) OF THIS SECTION]; and

(3) within **14** [10] days after the delivery or transfer of care, all records required under 12 AAC 14.540 for any case in which a client for whom the certified direct-entry midwife had primary responsibility **in this state**

(A) died;

(B) required emergency hospital transport;

(C) required intensive care **within the first week after birth**; or

(D) had any of the complications or conditions listed in **AS 08.65.140(4) and 12 AAC 14.150** [AS 08.65.140(d)(1) - (17)] if the **mother was attended in active labor or the** newborn was delivered by a certified direct-entry midwife [IN ACCORDANCE WITH AS 08.65.140(e) or (f)].

(Eff. 5/16/96, Register 138; am 2/23/2007, Register 181; am ___/___/____, Register ____)

Authority: AS 08.65.030 AS 08.65.110 **AS 08.65.140**