

## **SECOND SUPPLEMENTAL NOTICE OF PROPOSED CHANGES IN THE REGULATION OF THE 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, approved continuing education programs, 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, approved continuing education programs, 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 14.430, Approved continuing education programs**, is proposed to be changed to alter the provisions related to approved continuing education programs.
6. **12 AAC 14.500, Prenatal care**, is proposed to be changed to alter the requirements for prenatal care by a certified direct-entry midwife.
7. **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.
8. **12 AAC 14.560, Permitted practices**, is proposed to be changed by adding episiotomy to permitted practices by a certified direct-entry midwife.
9. **12 AAC 14.570, Medications**, is proposed to be changed to alter the medication requirements administration by a certified direct-entry midwife.
10. **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.
11. **12 AAC 14.610, Emergency transport plan**, is proposed to update the authority citation.
12. **12 AAC 14.900, Peer review**, is proposed to be changed to alter the provisions related to peer review.

This is a **SECOND SUPPLEMENTAL NOTICE** adding to the **NOTICE OF PROPOSED CHANGES** that was issued on September 14, 2015 and the **SUPPLEMENTAL NOTICE** that was issued on October 9, 2015, concerning these proposed regulation revisions contained in the Department of Law file number JU2015200798. This **SECOND SUPPLEMENTAL NOTICE** is being issued because the Board, during its October 29-30, 2015 meeting, tabled its proposed changes under its initial **NOTICE**

**OF PROPOSED CHANGES and SUPPLEMENTAL NOTICE**, added amendments, and is extending the written comment period on these proposed regulation changes.

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](mailto:marilyn.zimmerman@alaska.gov). **The comments must be received not later than 4:30 p.m. on February 17, 2016. Unless submitting written comments regarding the amendments covered under this SECOND SUPPLEMENTAL NOTICE, any person who has submitted written or oral comments regarding the proposed changes under the NOTICE OF PROPOSED CHANGES or SUPPLEMENTAL NOTICE need not resubmit comments under this notice as those comments are part of the record and will be considered by the Board before its adoption of regulation changes.**

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](mailto: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](mailto:marilyn.zimmerman@alaska.gov) not later than February 12, 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-JU2015200798-Rev.0116.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 08.65.080; 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: 1/26/2016

/s/  
Sara Chambers, Division Operations Manager  
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



**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.

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, is not under notice of investigation for a delivery of care issue, and is approved by the board.**

(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, for a woman who

- (1) has a history of isoimmunization;
- (2) has a history or no current episodes of epilepsy or seizure disorder;
- (3) has an asymptomatic heart abnormality;

- (4) has a history of genital herpes outbreak;
- (5) has a psychiatric illness that is stable and well controlled;
- (6) has a well-controlled gestational diabetes mellitus A1.

(b) A certified direct-entry midwife may not knowingly care 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 a multiple gestation;
- (11) has a fetus of less than 37 weeks gestation;
- (12) has a fetus of more than 42 weeks gestation by dates and examination;
- (13) has a fetus in any presentation other than cephalic at the onset of labor;
- (14) is a nulliparous woman in active labor with a ballotable presenting fetal part;
- (15) is a woman in active labor who has ruptured membranes and ballotable

presenting fetal part;

(16) has experienced the rupture of membranes greater than 24 hours before active

labor;

(17) has had a previous cesarean delivery or other uterine surgery;

(18) has a fetus with congenital anomalies that would have an anticipated need for intervention due to or related anomalies;

(19) has an active seizure disorder or is on seizure medication;

(20) has severe psychiatric illness;

(21) has first trimester outbreak of genital herpes or an active outbreak of genital herpes with two weeks of delivery;

(22) is less than 14 years of age;

(23) 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

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:

...

Register \_\_\_\_\_, \_\_\_\_\_ 2016 **PROFESSIONAL REGULATIONS**

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

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(c)(1)(J) is amended to read:

(J) cervical cytology **as recommended by the American Society for Colposcopy and Cervical Pathology (ASCCP) guidelines;**

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 **consulting provider** [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)].

12 AAC 14.500(j) is amended to read:

(j) During the third trimester, the certified direct-entry midwife shall ensure that the **home birth** client is adequately prepared for a home birth by discussing issues such as sanitation, facilities, adequate heat, availability of telephone and transportation, plans for emergency evacuation to a hospital, and the skills and equipment that the midwife will bring to the birth.

12 AAC 14.500(k) is amended to read:

(k) A certified direct-entry midwife shall make a home visit three to five weeks before the estimated date of confinement to assess the physical environment, to determine whether the **home birth** client has the necessary supplies, to prepare the family for the birth, and to instruct the family in correction of problems or deficiencies. (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 \_\_\_)

Register \_\_\_\_\_, \_\_\_\_\_ 2016 PROFESSIONAL REGULATIONS

**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 after delivery of anterior shoulder of the neonate** [INTRAVENOUS DRIP], for the **prevention** [CONTROL] of postpartum hemorrhage;

12 AAC 14.570(7) is amended to read:

(7) uterotonic agents such as Pitocin, methergine, hemabate, and misoprostol [ADMINISTERED ORALLY OR BY INTRAMUSCULAR INJECTION, IN AN EMERGENCY SITUATION] for the control and treatment 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 administrated [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.**

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(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 and** 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**