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SENATE BILL DRS45317-NBf-70

Short Title: Accessing Certified Professional Midwives Act. (Public)

Sponsors: Senators Burgin and Murdock (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE CERTIFIED PROFESSIONAL MIDWIVES LICENSING
ACT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 90 of the General Statutes is amended by adding a new Article
to read:

"Article 10B.

"Certified Professional Midwives.

"§ 90-178.10. Title.

This Article may be cited as the "Accessing Certified Professional Midwives Act."

"§ 90-178.11. Definitions.

The following definitions apply in this Article:

- (1) Antepartal. – Occurring during pregnancy.
- (2) Certified Professional Midwife (CPM). – A person who has obtained national certification from the North American Registry of Midwives (NARM).
- (3) Collaboration. – The process by which a Certified Professional Midwife and a physician or other appropriate health care provider jointly manage the care of a client, as defined by Council rule.
- (4) Consultation. – The exchange of information and advice regarding the client's condition and indicated treatment with a licensed physician or certified nurse midwife.
- (5) Council. – The North Carolina Council of Certified Professional Midwives, a subcommittee of the Division of Health Service Regulation.
- (6) Department. – The North Carolina Department of Health and Human Services.
- (7) Division. – The Division of Health Service Regulation within the Department of Health and Human Services to which the North Carolina Council of Certified Professional Midwives reports.
- (8) Health care provider. – As defined in G.S. 90-21.11.
- (9) ICM. – The International Confederation of Midwives.
- (10) Intrapartal. – Occurring during the process of giving birth.
- (11) Licensed physician. – A physician duly licensed in this State to practice medicine under Article 1 of this Chapter.
- (12) Licensee. – A Certified Professional Midwife who holds the CPM credential and is licensed to practice midwifery under this Article.



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- (13) Midwifery. – The provision of primary health or maternity care to childbearing people and infants.
- (14) NACPM. – The National Association of Certified Professional Midwives.
- (15) NARM. – The North American Registry of Midwives.
- (16) Postpartal. – Occurring subsequent to birth.

"§ 90-178.12. License required; exemptions.

(a) No person shall practice or offer to practice midwifery as defined in this Article or otherwise indicate or imply that the person is a licensed Certified Professional Midwife unless the person is currently licensed as provided in this Article.

(b) The provisions of this Article do not apply to any of the following:

- (1) An individual approved to practice as a nurse midwife under Article 10A of this Chapter.
- (2) A physician licensed to practice medicine under Article 1 of this Chapter when engaged in the practice of medicine as defined by law.
- (3) The performance of medical acts by a physician assistant or nurse practitioner when performed in accordance with the rules of the North Carolina Board of Nursing and the North Carolina Medical Board.
- (4) The practice of nursing by a registered nurse engaged in the practice of nursing under Article 9A of this Chapter.
- (5) The rendering of childbirth assistance in an emergency situation.

"§ 90-178.13. The North Carolina Council of Midwives.

(a) Composition and Terms. – The North Carolina Council of Midwives is created. The Council shall consist of seven members who shall serve staggered terms. The Council members shall be appointed by the Secretary of the Department of Health and Human Services, and the initial Council members shall be appointed on or before October 1, 2025, or within three months of this Article becoming law, whichever is later, as follows:

- (1) Four Certified Professional Midwives, one of whom shall serve for a term of four years, two of whom shall serve for terms of three years, and one of whom shall serve for a term of two years.
- (2) One licensed physician who is knowledgeable in midwifery care who shall serve for a term of four years.
- (3) Two community birth consumers who shall serve for a term of two years.

Upon the expiration of the terms of the initial Council members, members shall be appointed for terms of four years and shall serve until their successors are appointed. No member may serve more than two consecutive terms.

(b) Qualifications. – Each Council member shall be a resident of this State. The members who are Certified Professional Midwives shall hold current licenses from the Council and remain in good standing with the Council during their terms.

(c) Vacancies. – Any vacancy shall be filled by the Secretary of the Department of Health and Human Services. Appointees to fill vacancies shall serve the remainder of the unexpired term and until their successors have been duly appointed.

(d) Removal. – The Council may remove any of its members for neglect of duty, incompetence, or unprofessional conduct. If a Council member is absent from three consecutive Council meetings without excuse, that member shall be removed from office and a new member shall be appointed by the Secretary of the Department of Health and Human Services. An absence shall be deemed excused if caused (i) by a health problem or condition verified in writing by a licensed health care provider or (ii) by an accident or similar unforeseeable tragedy or event, on or before the next Council meeting. A member subject to disciplinary proceedings in the member's capacity as a health care provider shall be disqualified from participating in the official business of the Council until the charges have been resolved.

(e) Compensation. – Each member of the Council shall receive per diem and reimbursement for travel and subsistence as provided in G.S. 93B-5.

(f) Officers. – The officers of the Council shall be a chair, a vice-chair, and other officers deemed necessary by the Council to carry out the purposes of this Article. All officers shall be elected annually by the Council for two-year terms and shall serve until their successors are elected and qualified. No person may serve as chair for more than six consecutive years.

(g) Meetings. – The Council shall hold its first meeting within 45 days after the appointment of its members and shall hold at least two meetings each year to conduct business and to review the standards and rules previously adopted by the Council. The Council shall establish the procedures for calling, holding, and conducting regular and special meetings. A majority of Council members shall constitute a quorum. The Council shall hold such meetings during the year as it deems necessary, one of which shall be an annual meeting. The Department, the chairperson, or a majority of the Council shall have the authority to call additional meetings.

(h) Notice of Meeting; Records. – Public notice shall be given for all meetings, and all meetings are open to the public. All records are available to the public. Persons wishing to obtain copies of records may request copies, in writing, from the Council.

(i) The Council shall adopt rules within one year of the initial meeting to implement the provisions of this Article.

"§ 90-178.14. Powers and duties of the Council.

In consultation with the Division and with guidance from the National Association of Certified Professional Midwives Standards of Practice, the Council shall have the following powers and duties:

(1) Administer this Article.

(2) Issue interpretations of this Article.

(3) Adopt, amend, or repeal rules as may be necessary to carry out the provisions of this Article, including rules relating to the administration of medications consistent with a Certified Professional Midwife's training and scope of practice.

(4) Verify the credentials and qualifications of applicants for licensure, license renewal, and reciprocal licensure.

(5) Issue, renew, deny, suspend, or revoke licensure and carry out any disciplinary actions authorized by this Article.

(6) Set fees for licensure, license renewal, and other services deemed necessary to carry out the purposes of this Article, not to exceed five hundred dollars (\$500.00) over a two-year period.

(7) Maintain a current list of all persons who have been licensed as Certified Professional Midwives under this Article and, using a statistically validated data collection tool, collect and review annual practice reports.

(8) Address problems and concerns of Certified Professional Midwives in order to promote safety for the citizens of this State.

(9) Conduct investigations for the purpose of determining whether violations of this Article or grounds for disciplining Certified Professional Midwives exist.

(10) Maintain a record of all proceedings and make available to all Certified Professional Midwives and other concerned parties an annual report of all Council action.

(11) Adopt a seal containing the name of the Council for use on all official documents and reports issued by the Council.

(12) Educate the public and other providers of maternity care about the role of the Certified Professional Midwives.

"§ 90-178.15. Requirements for licensure.

1 An applicant shall be licensed to practice as a Certified Professional Midwife under this
2 Article if the applicant meets all of the following requirements:

- 3 (1) Completes an application on a form approved by the Council.
- 4 (2) Has completed all required educational and clinical training, including
5 education in emergency skills for pregnancy, birth, and newborn care and
6 other midwifery topics addressing all ICM Core Competencies, as determined
7 by NACPM or NARM, and has earned the national Certified Professional
8 Midwife certification credential awarded by a national midwifery certification
9 agency accredited by the National Commission on Certifying Agencies
10 (NCCA), the accrediting body of the Institute of Credentialing Excellence.
- 11 (3) Submits proof to the Council of current cardiopulmonary resuscitation (CPR)
12 certification and neonatal resuscitation program (NRP) certification.
- 13 (4) Has read, understands, and agrees to practice under the guidelines set forth in
14 this Article and any rules adopted pursuant to this Article.
- 15 (5) Pays the required fees in accordance with G.S. 90-178.19.

16 **"§ 90-178.16. Responsibilities of a Certified Professional Midwife; display of license.**

17 (a) A Certified Professional Midwife licensed under this Article shall practice according
18 to the National Association of Certified Professional Midwives (NACPM) Standards of Practice
19 and shall have the following responsibilities:

- 20 (1) Provide care for the healthy client who is expected to have a normal
21 pregnancy, labor, birth, and postpartal phase in the setting of their choice.
- 22 (2) Ensure that the client has signed an informed consent form. This form shall
23 include information to inform the client of the qualifications of the licensee
24 and the process of shared decision making and refusal.
- 25 (3) Order routine antepartal or postpartal screening or laboratory analysis to be
26 performed by a licensed laboratory or testing facility, when necessary.
- 27 (4) Develop an emergency plan in collaboration with the client that shall include
28 transfer plans for the client in the event of an emergency.
- 29 (5) Determine the progress of labor, monitor fetal and maternal status, and when
30 labor is well-established, be available until delivery is accomplished.
- 31 (6) Remain with the mother during the postpartal period until the conditions of
32 the mother and newborn are stabilized.
- 33 (7) Instruct the parents regarding the requirements of all State-required newborn
34 screening.
- 35 (8) Submit and maintain a birth certificate of live birth in accordance with the
36 requirements of Article 4 of Chapter 130A of the General Statutes.
- 37 (9) Practice in compliance with the requirements of this Article and any rules
38 adopted pursuant to this Article.

39 (b) A Certified Professional Midwife licensed pursuant to this Article shall display the
40 license at all times in a conspicuous place where the Certified Professional Midwife is practicing,
41 when applicable.

42 **"§ 90-178.17. License renewal; inactive status; lapsed license.**

43 (a) An initial license to practice as a Certified Professional Midwife shall be valid for two
44 years. After the initial license expires, a license shall be renewed every two years. All applications
45 for renewal shall be filed with the Council and shall be accompanied by the renewal fee in
46 accordance with G.S. 90-178.19 and proof of current certification from NARM. Compliance with
47 NARM recertification requirements shall include (i) remaining in good standing with NARM,
48 (ii) maintaining current cardiopulmonary resuscitation (CPR) and neonatal resuscitation program
49 (NRP) certifications, and (iii) completing any continuing education requirements.

(b) A license that has expired for failure to renew may be reinstated after the applicant pays any late and renewal fees as required by G.S. 90-178.19 and complies with any other rules adopted pursuant to this Article.

(c) Upon written request to the Council, the Council may grant a Certified Professional Midwife inactive status. While inactive, the Certified Professional Midwife shall not practice midwifery in this State and shall not be subject to license renewal requirements established by the Council. A Certified Professional Midwife may change the Certified Professional Midwife's status from inactive to active by (i) submitting a written request to the Council and (ii) fulfilling the requirements for renewal described under subsection (a) of this section.

(d) A Certified Professional Midwife who does not seek inactive status and allows the license to expire after a 90-day grace period shall apply for a new license as prescribed in this Article.

"§ 90-178.18. Reciprocity.

The Council may, upon application and payment of proper fees, grant a license to an individual who resides in this State and has been licensed, certified, or registered to practice as a Certified Professional Midwife in another jurisdiction if that jurisdiction's standards of competency are substantially equivalent to those provided in this Article in accordance with rules adopted by the Council.

"§ 90-178.19. Fees.

(a) All fees shall be set by the Council, in consultation with the Division, pursuant to rules adopted under this Article. All fees payable to the Council shall be deposited in the name of the Council in financial institutions designated by the Council as official depositories and shall be used to pay all expenses incurred in carrying out the purposes of this Article.

(b) All salaries, compensation, and expenses incurred or allowed to carry out the purposes of this Article shall be paid by the Council exclusively out of the fees received by the Council as authorized by this Article or funds received from other sources.

"§ 90-178.20. Midwifery formulary.

The Council shall establish a formulary of drugs and devices that are appropriate to Certified Professional Midwife care. Certified Professional Midwives shall dispense only those drugs and devices in accordance with the current formulary defined by the Council. Certified Professional Midwives shall comply with applicable State and federal laws and rules relating to administering of drugs. Certified Professional Midwives shall maintain proper records of obtaining, storing, and administering drugs and devices. Nothing in this section shall be construed to preclude a midwife from carrying out the prescribed medical orders of a licensed health care provider authorized to prescribe.

"§ 90-178.21. Suspension, revocation, and refusal to renew license.

(a) The Council may issue a letter of reprimand, deny, refuse to renew, suspend, or revoke an application for licensure or a license if the applicant or licensee does any of the following:

- (1) Gives false information or withholds material information from the Council in procuring or attempting to procure a license.
- (2) Gives false information or withholds material information from the Council during the course of an investigation conducted by the Council.
- (3) Has been convicted of or pled guilty or no contest to a crime that indicates the person is unfit or incompetent to practice midwifery as defined in this Article or that indicates the person has deceived, defrauded, or endangered the public.
- (4) Has a habitual substance abuse problem or mental impairment that interferes with his or her ability to provide appropriate care as established by this Article or rules adopted by the Council.
- (5) Has demonstrated gross negligence, incompetency, or misconduct in the practice of midwifery as defined in this Article.

- 1 (6) Has had an application for licensure or a license to practice midwifery as a
2 Certified Professional Midwife in another jurisdiction denied, suspended, or
3 revoked for reasons that would be grounds for similar action in this State.
4 (7) Has willfully violated any provision of this Article or rules adopted by the
5 Council.

6 (b) The taking of any action authorized under subsection (a) of this section may be
7 ordered by the Council after a hearing is held in accordance with Article 3A of Chapter 150B of
8 the General Statutes. The Council may reinstate a revoked license if it finds that the reasons for
9 revocation no longer exist and that the person can reasonably be expected to perform the services
10 authorized under this Article in a safe manner.

11 **"§ 90-178.22. Enjoining illegal practices; vicarious liability.**

12 (a) The Council may apply to the superior court for an order enjoining violations of this
13 Article. Upon a showing by the Council that any person has violated this Article, the court may
14 grant injunctive relief.

15 (b) No health care provider or medical facility shall be liable for an injury to a woman or
16 infant arising during childbirth and resulting from an act or omission by a Certified Professional
17 Midwife licensed under this Article, regardless of whether the health care provider has consulted
18 with or accepted a referral from the licensee."

19 **SECTION 2.** This act becomes effective October 1, 2025.