

HOUSE BILL 66

J2
HB 1032/21 – HGO

(PRE-FILED)

2lr1083

By: **Delegate Cullison**

Requested: October 29, 2021

Introduced and read first time: January 12, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Licensed Direct-Entry Midwives – Previous Cesarean**
3 **Section**

4 FOR the purpose of allowing a licensed direct-entry midwife to assume or take
5 responsibility for a patient who had a previous cesarean section and regulating the
6 circumstances under which the responsibility may be assumed or taken; and
7 generally relating to the practice of licensed direct-entry midwifery and cesarean
8 sections.

9 BY repealing and reenacting, with amendments,
10 Article – Health Occupations
11 Section 8-6C-03(11), 8-6C-04(a)(20) and (21), and 8-6C-09
12 Annotated Code of Maryland
13 (2021 Replacement Volume)

14 BY adding to
15 Article – Health Occupations
16 Section 8-6C-04(a)(22)
17 Annotated Code of Maryland
18 (2021 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Health Occupations**

22 8-6C-03.

23 A licensed direct-entry midwife may not assume or continue to take responsibility
24 for a patient's pregnancy and birth care and shall arrange for the orderly transfer of care

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to a health care practitioner for a patient who is already under the care of the licensed
2 direct-entry midwife, if any of the following disorders or situations is found to be present
3 at the initial interview or if any of the following disorders or situations occur as prenatal
4 care proceeds:

5 (11) Previous uterine surgery, including:

6 (I) EXCEPT AS PROVIDED IN § 8-6C-04 OF THIS SUBTITLE, a
7 cesarean section [or myomectomy]; AND

8 (II) MYOMECTOMY;

9 8-6C-04.

10 (a) A licensed direct-entry midwife shall consult with a health care practitioner,
11 and document the consultation, the recommendations of the consultation, and the
12 discussion of the consultation with the client, if any of the following conditions are present
13 during prenatal care:

14 (20) Inflammatory bowel disease, in remission; [or]

15 (21) Active genital herpes lesions during pregnancy; OR

16 (22) A SINGLE PREVIOUS CESAREAN SECTION THAT:

17 (I) RESULTED IN THE PATIENT HAVING A CONFIRMED LOW
18 TRANSVERSE INCISION; AND

19 (II) WAS PERFORMED AT LEAST 18 MONTHS BEFORE THE
20 EXPECTED DATE OF BIRTH FOR THE CURRENT PREGNANCY.

21 8-6C-09.

22 (a) Before initiating care, a licensed direct-entry midwife shall obtain a signed
23 copy of the Board-approved informed consent agreement in accordance with this section.

24 (b) (1) The Board, in consultation with stakeholders, shall review and update
25 as necessary the informed consent agreement at least every 4 years.

26 (2) The agreement reviewed under paragraph (1) of this subsection shall
27 include acknowledgment by the patient of receipt, at a minimum, of the following:

28 (i) The licensed direct-entry midwife's training and experience;

29 (ii) Instructions for obtaining a copy of the regulations adopted by
30 the Board under this subtitle;

- 1 (iii) Instructions for obtaining a copy of the NARM certification
2 requirements;
- 3 (iv) Instructions for filing a complaint with the Board;
- 4 (v) Notice of whether the licensed direct-entry midwife has
5 professional liability insurance coverage;
- 6 (vi) A description of the procedures, benefits, and risks of home
7 births, including those conditions that may arise during delivery; and
- 8 (vii) Any other information that the Board requires.

9 (C) BEFORE INITIATING CARE IN ACCORDANCE WITH § 8-6C-04(A)(22) OF
10 THIS SUBTITLE, IN ADDITION TO OBTAINING THE INFORMED CONSENT AGREEMENT
11 REQUIRED UNDER SUBSECTION (A) OF THIS SECTION, A LICENSED DIRECT-ENTRY
12 MIDWIFE SHALL OBTAIN A SIGNED COPY OF A BOARD-APPROVED INFORMED
13 CONSENT AGREEMENT THAT IS SPECIFIC TO HOME BIRTH AFTER A CESAREAN
14 SECTION, WHICH SHALL INCLUDE:

15 (1) A DESCRIPTION OF THE PROCEDURE, BENEFITS, AND RISKS OF A
16 HOME BIRTH AFTER A CESAREAN SECTION, INCLUDING CONDITIONS THAT MAY
17 ARISE DURING DELIVERY; AND

18 (2) ANY OTHER INFORMATION THAT THE BOARD REQUIRES.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2022.