

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 897
HOUSE BILL 814

AN ACT TO REGULATE THE PRACTICE OF MIDWIFERY.

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 10A.

"Practice of Midwifery.

"§ 90-172.1. Title.—This Article shall be known and may be cited as the Midwifery Practice Act.

"§ 90-172.2. Definitions.—As used in this Article:

- (1) 'Interconceptional care' includes but is not limited to:
 - a. family planning;
 - b. screening for cancer of the breast and reproductive tract; and
 - c. screening for and management of minor infections of the reproductive organs;
- (2) 'Intrapartum care' includes but is not limited to:
 - a. attending women in uncomplicated labor;
 - b. assisting with spontaneous delivery of infants in vertex presentation from 37 to 42 weeks gestation;
 - c. performing amniotomy;
 - d. administering local anesthesia;
 - e. performing episiotomy and repair; and
 - f. repairing lacerations associated with childbirth.
- (3) 'Midwifery' means the act of providing prenatal, intrapartum, postpartum, newborn and interconceptional care. The term does not include the practice of medicine by a physician licensed to practice medicine when engaged in the practice of medicine as defined by law, the performance of medical acts by a physician assistant or nurse practitioner when performed in accordance with the rules of the Board of Medical Examiners, the practice of nursing by a registered nurse engaged in the practice of nursing as defined by law, or the rendering of childbirth assistance in an emergency situation.
- (4) 'Newborn care' includes but is not limited to:
 - a. routine assistance to the newborn to establish respiration and maintain thermal stability;
 - b. routine physical assessment including APGAR scoring;
 - c. vitamin K administration; and

- d. eye prophylaxis for ophthalmia neonatorum.
- (5) 'Postpartum care' includes but is not limited to:
 - a. management of the normal third stage of labor;
 - b. administration of pitocin and methergine after delivery of the infant when indicated; and
 - c. six weeks postpartum evaluation exam and initiation of family planning.
- (6) 'Prenatal care' includes but is not limited to:
 - a. historical and physical assessment;
 - b. obtaining and assessing the results of routine laboratory tests; and
 - c. supervising the use of prenatal vitamins, folic acid, iron, and nonprescription medicines.

"§ 90-172.3. Regulation of midwifery.—(a) No person shall practice or offer to practice or hold oneself out to practice midwifery unless approved pursuant to this Article.

(b) A person approved pursuant to this Article may practice midwifery in a hospital or non-hospital setting and shall practice under the supervision of a physician licensed to practice medicine who is actively engaged in the practice of obstetrics. A registered nurse approved pursuant to this Article is authorized to write prescriptions for drugs in accordance with the same conditions applicable to a nurse practitioner under G.S. 90-18.2(b).

"§ 90-172.4. Administration.—(a) The joint subcommittee of the Board of Medical Examiners and the Board of Nursing created pursuant to G.S. 90-18.2 shall administer the provisions of this Article and the rules adopted pursuant to this Article; provided, however, that actions of the joint subcommittee pursuant to this Article shall not require approval by the Boards of Medical Examiners and of Nursing. For purposes of this Article, the joint subcommittee shall be enlarged by four additional members, including two certified midwives and two obstetricians who have had working experience with midwives.

- (b) The joint subcommittee shall adopt rules pursuant to this Article to establish:
 - (1) a fee which shall cover application and initial approval up to a maximum of one hundred dollars (\$100.00);
 - (2) an annual renewal fee to be paid by January 1 of each year by persons approved pursuant to this Article up to a maximum of fifty dollars (\$50.00);
 - (3) a reinstatement fee for a lapsed approval up to a maximum of five dollars (\$5.00);
 - (4) the form and contents of the applications which shall include information related to the applicant's education and certification by the American College of Nurse-Midwives; and
 - (5) the procedure for establishing physician supervision as required by this Article.

(c) The joint subcommittee may solicit, employ, or contract for technical assistance and clerical assistance and may purchase or contract for the materials and services it needs.

(d) All fees collected on behalf of the joint subcommittee and all receipts of every kind and nature, as well as the compensation paid the members of the joint subcommittee and the necessary expenses incurred by them in the performance of the duties imposed upon them, shall be reported annually to the State Treasurer. All fees and other moneys received by the joint subcommittee pursuant to the provisions of the General Statutes shall be kept in a separate fund by the joint subcommittee, to be held and expended only for such purposes as are proper and necessary to the discharge of the duties of the joint subcommittee and to enforce the provisions of this Article. No expense incurred by the joint subcommittee shall be charged against the State.

(e) Members of the joint subcommittee who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the joint subcommittee who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rate set out in G.S. 138-6.

"§ 90-172.5. Qualifications for approval.—In order to be approved by the joint subcommittee pursuant to this Article, a person shall:

- (1) complete an application on a form furnished by the joint subcommittee;
- (2) submit evidence of certification by the American College of Nurse-Midwives;
- (3) submit evidence of arrangements for physician supervision; and
- (4) pay the fee for application and approval.

"§ 90-172.6. Denial, revocation or suspension of approval.—(a) In accordance with the provisions of Chapter 150A, the joint subcommittee may deny, revoke or suspend approval when a person has:

- (1) failed to satisfy the qualifications for approval;
- (2) failed to pay the annual renewal fee by January 1 of the current year;
- (3) given false information or withheld material information in applying for approval;
- (4) demonstrated incompetence in the practice of midwifery;
- (5) violated any of the provisions of this Article;
- (6) a mental or physical disability or uses any drug to a degree that interferes with his or her fitness to practice midwifery;
- (7) engaged in conduct that endangers the public health;
- (8) engaged in conduct that deceives, defrauds, or harms the public in the course of professional activities or services; or
- (9) been convicted of or pleaded guilty or nolo contendere to any felony under the laws of the United States or of any state of the United States indicating professional unfitness.

(b) Revocation or suspension of a license to practice nursing pursuant to G.S. 90-171.37 shall automatically result in comparable action against the person's approval to practice midwifery under this Article.

"§ 90-172.7. Enforcement.—(a) The joint subcommittee may apply to the Superior Court of Wake County to restrain any violation of this Article.

(b) Any person who violates G.S. 90-172.3(a) shall be guilty of a misdemeanor and shall be punishable by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for not more than 30 days or both in the discretion of the court."

Sec. 2. G.S. 90-172 and G.S. 130-112 are repealed.

G.S. 90-18(7) is rewritten as:

"(7) The practice of midwifery as defined in G.S. 90-172.2."

Sec. 3. This act shall become effective October 1, 1983. Any person who on October 1, 1983, had been a practicing midwife in North Carolina for more than 10 years may continue to assist at childbirth without approval under this Article. Any other person authorized to practice midwifery on September 30, 1983, may continue to practice midwifery without approval under this Article until April 1, 1984. No annual fee shall be collected for 1983.

In the General Assembly read three times and ratified, this the 21st day of July, 1983.