

**Effective 5/10/2016**

**58-77-501 Unlawful conduct.**

- (1) In addition to the conduct that constitutes unlawful conduct under Subsection 58-1-501(1), it is unlawful conduct for an individual who is not licensed under this chapter to:
- (a) represent or hold out that the individual is a licensed direct-entry midwife;
  - (b) administer a prescription medication, except oxygen, in the practice of direct-entry midwifery;
  - (c) before engaging in the practice of midwifery with a client, fail to obtain from the client an informed consent statement that includes the following:
    - (i) a description of the individual's midwifery education, training, continuing education, and experience;
    - (ii) a statement that the individual is not licensed by the state as a direct-entry midwife;
    - (iii) a statement that it is unlawful for the individual to administer to the client a prescription medication, except oxygen, in the practice of direct-entry midwifery;
    - (iv) a written plan to address medical issues the client may experience during pregnancy, labor, or childbirth, which plan shall address transfer of the client to a licensed health care provider or facility, if necessary;
    - (v) the name and signature of the individual;
    - (vi) the name and signature of the client;
    - (vii) the date the individual signed the statement; and
    - (viii) the date the client signed the statement; or
  - (d) fail to retain for at least 4 years a signed statement from a client described by Subsection (1) (c).
- (2)
- (a) Except for conduct that constitutes unlawful conduct under Subsection (1), it is lawful to practice direct-entry midwifery in the state without being licensed under this chapter.
  - (b) The practice of direct-entry midwifery is not considered the practice of medicine, nursing, or nurse-midwifery.

Amended by Chapter 107, 2016 General Session