1	UNLICENSED DIRECT-ENTRY MIDWIFERY
2	2016 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Carol Spackman Moss
5	Senate Sponsor: Deidre M. Henderson
6 7	LONG TITLE
8	General Description:
9	This bill amends the Direct-Entry Midwife Act.
10	Highlighted Provisions:
11	This bill:
12	<ul> <li>amends the unlawful conduct provisions of the Direct-Entry Midwife Act; and</li> </ul>
13	<ul><li>makes technical changes.</li></ul>
14	Money Appropriated in this Bill:
15	None
16	Other Special Clauses:
17	None
18	<b>Utah Code Sections Affected:</b>
19	AMENDS:
<ul><li>20</li><li>21</li></ul>	<b>58-77-501</b> , as enacted by Laws of Utah 2005, Chapter 299
22	Be it enacted by the Legislature of the state of Utah:
23	Section 1. Section <b>58-77-501</b> is amended to read:
24	58-77-501. Unlawful conduct.
25	(1) In addition to the [definition in Subsection 58-1-501(1), "unlawful conduct"
26	includes] 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:



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28	(a) [representing or holding oneself out as a] represent or hold out that the individual is
29	<u>a</u> licensed direct-entry midwife [when not licensed under this chapter; and];
30	(b) [using] administer a prescription [medications] medication, except oxygen, [while
31	engaged] in the practice of direct-entry midwifery [when not licensed under this chapter.];
32	(c) before engaging in the practice of midwifery with a client, fail to obtain from the
33	client an informed consent statement that includes the following:
34	(i) a description of the individual's midwifery education, training, continuing
35	education, and experience;
36	(ii) a statement that the individual is not licensed by the state as a direct-entry midwife;
37	(iii) a statement that it is unlawful for the individual to administer to the client a
38	prescription medication, except oxygen, in the practice of direct-entry midwifery;
39	(iv) a written plan to address medical issues the client may experience during
40	pregnancy, labor, or childbirth, which plan shall address transfer of the client to a licensed
41	health care provider or facility, if necessary;
42	(v) the name and signature of the individual;
43	(vi) the name and signature of the client;
44	(vii) the date the individual signed the statement; and
45	(viii) the date the client signed the statement; or
46	(d) fail to retain for at least 21 years a signed statement from a client described by
47	Subsection (1)(c).
48	(2) (a) Except [as provided in Subsections (1)(a) and (b)] for conduct that constitutes
49	unlawful conduct under Subsection (1), it is lawful to practice direct-entry midwifery in the
50	state without being licensed under this chapter.
51	(b) The practice of direct-entry midwifery is not considered the practice of medicine,
52	nursing, or nurse-midwifery.

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