



House of Representatives *State of Utah*

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February 4, 2004

Mr. Speaker:

The Health and Human Services Committee reports a favorable recommendation on **H.B. 227**, MIDWIFE CERTIFICATION ACT, by Representative J. Biskupski, et al, with the following amendments:

1. *Page 1, Line 23:* After "can be" delete "prescribed" and insert "obtained"

2. *Page 8, Lines 226 through 227:*

226 (o) executing the orders of a licensed health care professional, only within the
227 education, knowledge, and skill of the midwife.

The practice of midwifery is not considered the practice of medicine.

3. *Page 11, Lines 316 through 320:*

316 (1) In addition to the definition in Subsection 58-1-501(1), "unlawful conduct"
 includes:

317 ~~[(1)]~~ (a) representing or holding oneself out as a certified Direct-entry
 midwife when not

318 certified under this chapter; and

319 ~~[(2)]~~ (b) using prescription medications, except oxygen, while engaged in
 the practice of

320 midwifery when not certified under this chapter.

(2) Except as provided in Subsections (1)(a) and (b), it is lawful to practice
midwifery in this state without being certified under this chapter.

4. *Page 12, Line 349:* After "obtain" delete "an" and insert "a written"

5. *Page 12, Line 354:* After "one;" delete "and" and insert

"(iii) the fact, if true, that the certified

Direct-entry midwife is not a certified nurse

midwife or a physician;"

Bill Number



HB0227

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6. *Page 12, Line 355:* Delete "(iii)" and insert "(iv)"

7. *Page 12, Line 356:* Delete the period "." and insert ":",
(v) whether the certified Direct-entry midwife is covered by a professional liability insurance policy; and
(vi) the fact that the client's decision not to use a physician or a certified nurse midwife may be taken into account in a malpractice action."

8. *Page 13, Line 376:* After line 376 insert
"(6) This chapter does not mandate health insurance coverage for midwife services."

9. *Page 13, Line 386:* After "briefing" delete "data"

10. *Page 13, Lines 389 through 390:* After "(b)" delete the rest of line 389 and line 390 and insert:
"A provider-patient relationship may not arise from a physician or certified nurse midwife providing medical advice or issuing a medical order to the midwife for the midwife's client.
(c) Regardless of the advice or order given, the responsibility and liability for caring for the client rests with the midwife."

11. *Page 13, Line 391:* Delete "(c)" and insert "(d)"

Bill Number



HB0227

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12. Page 13, Line 393: Delete "(d)" and insert "(e)"

Respectfully,

Mike Thompson
Committee Chair

Voting: 9-1-0

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