

28 ~~includes~~ conduct that constitutes unlawful conduct under Subsection 58-1-501(1), it is
29 unlawful conduct for an individual who is not licensed under this chapter to:

30 (a) ~~[representing or holding oneself out as a]~~ represent or hold out that the individual is
31 a licensed direct-entry midwife [when not licensed under this chapter, and];

32 (b) ~~[using]~~ administer prescription medications, except oxygen, [while engaged] in the
33 practice of direct-entry midwifery [when not licensed under this chapter.]; or

34 (c) fail to obtain from a client, prior to providing service to the client, the informed
35 consent form described in Section 58-77-604.

36 (2) (a) Except ~~[as provided in Subsections (1)(a) and (b)]~~ for conduct that constitutes
37 unlawful conduct under Subsection (1), it is lawful to practice direct-entry midwifery in the
38 state without being licensed under this chapter.

39 (b) The practice of direct-entry midwifery is not considered the practice of medicine,
40 nursing, or nurse-midwifery.

41 Section 2. Section **58-77-604** is enacted to read:

42 **58-77-604. Informed consent.**

43 (1) An individual who is not licensed to practice direct-entry midwifery under this
44 chapter shall obtain from the individual's client, before providing services to the client, an
45 informed consent form that:

46 (a) states that:

47 (i) the individual is not licensed by the state;

48 (ii) the individual's education and qualifications have not been reviewed by the state;

49 (iii) the individual is not authorized to carry or administer prescription medications;

50 and

51 (iv) the risk of harm or death to a mother or newborn may be greater because the
52 individual is not licensed under this chapter;

53 (b) describes the types of midwife licenses issued by the state and the minimum
54 qualifications the state requires for an individual to obtain each type of midwife license;

55 (c) describes the services the individual may legally provide to the client under state
56 law;

57 (d) contains a plan for transporting the client to the nearest hospital if a problem occurs
58 during labor or childbirth;

59 (e) discloses whether or not the individual is insured by an insurance policy that covers
60 the practice of direct-entry midwifery; and

61 (f) is signed and dated by:

62 (i) the client; or

63 (ii) if the client is a minor, the client's legal guardian.

64 (2) An individual who is not licensed to practice direct-entry midwifery under this
65 chapter shall retain the consent form described in Subsection (1) for at least 10 years after the
66 day on which the client gives birth.

Legislative Review Note
as of 1-21-15 8:51 AM

Office of Legislative Research and General Counsel