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SENATE BILL 5765

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State of Washington

67th Legislature

2022 Regular Session

By Senators Randall, Keiser, Conway, Das, Hasegawa, Lovelett, Mullet, Nobles, Robinson, Saldaña, Stanford, Trudeau, and C. Wilson

Read first time 01/11/22. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to the practice of midwifery; and amending RCW  
2 18.50.005, 18.50.010, 18.50.040, 18.50.102, 18.50.108, and 18.50.115.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 18.50.005 and 1991 c 3 s 102 are each amended to  
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter:

8 (1) "Advanced registered nurse practitioner" means an advanced  
9 registered nurse practitioner licensed under chapter 18.79 RCW.

10 (2) "Department" means the department of health.

11 ~~((2))~~ (3) "Secretary" means the secretary of health.

12 ~~((3))~~ (4) "Midwife" means a midwife licensed under this  
13 chapter.

14 ~~((4))~~ (5) "Naturopath" means a naturopath licensed under  
15 chapter 18.36A RCW.

16 (6) "Physician" means a physician licensed under chapter 18.57 or  
17 18.71 RCW.

18 **Sec. 2.** RCW 18.50.010 and 2014 c 187 s 1 are each amended to  
19 read as follows:

1 Any person shall be regarded as practicing midwifery within the  
2 meaning of this chapter who shall render medical aid for a fee or  
3 compensation to (~~a woman~~) individuals during prenatal, intrapartum,  
4 and postpartum stages or to (~~her~~) the individual's newborn up to  
5 two weeks of age or who shall advertise as a midwife by signs,  
6 printed cards, or otherwise. Nothing shall be construed in this  
7 chapter to prohibit gratuitous services. It shall be the duty of a  
8 midwife to consult with a physician whenever there are significant  
9 deviations from normal in either the (~~mother~~) gestational parent or  
10 the newborn.

11 **Sec. 3.** RCW 18.50.040 and 1994 sp.s. c 9 s 705 are each amended  
12 to read as follows:

13 (1) Any person seeking to be examined shall present to the  
14 secretary, at least (~~forty-five~~) 45 days before the commencement of  
15 the examination, a written application on a form or forms provided by  
16 the secretary setting forth under affidavit such information as the  
17 secretary may require and proof the candidate has received a high  
18 school degree or its equivalent; that the candidate is (~~twenty-one~~)  
19 21 years of age or older; that the candidate has received a  
20 certificate or diploma from a midwifery program accredited by the  
21 secretary and licensed under chapter 28C.10 RCW, when applicable, or  
22 a certificate or diploma in a foreign institution on midwifery of  
23 equal requirements conferring the full right to practice midwifery in  
24 the country in which it was issued. The diploma must bear the seal of  
25 the institution from which the applicant (~~was~~) graduated. Foreign  
26 candidates must present with the application a translation of the  
27 foreign certificate or diploma (~~made by and under the seal of the~~  
28 ~~consulate of the country in which the certificate or diploma was~~  
29 ~~issued~~)).

30 (2) The candidate shall meet the following conditions:

31 (a) Obtaining a minimum period of midwifery training for at least  
32 three years including the study of the basic nursing skills that the  
33 department shall prescribe by rule. However, if the applicant is a  
34 registered nurse or licensed practical nurse under chapter 18.79 RCW,  
35 or has had previous nursing education or practical midwifery  
36 experience, the required period of training may be reduced depending  
37 upon the extent of the candidate's qualifications as determined under  
38 rules adopted by the department. In no case shall the training be  
39 reduced to a period of less than two years.

1 (b) Meeting minimum educational requirements which shall include  
2 studying midwifery; obstetrics; neonatal pediatrics; basic sciences;  
3 (~~female~~) reproductive anatomy and physiology; behavioral sciences;  
4 childbirth education; community care; obstetrical pharmacology;  
5 epidemiology; gynecology; family planning; genetics; embryology;  
6 neonatology; the medical and legal aspects of midwifery; nutrition  
7 during pregnancy and lactation; (~~breastfeeding~~) lactation; nursing  
8 skills, including but not limited to injections, administering  
9 intravenous fluids, catheterization, and aseptic technique; and such  
10 other requirements prescribed by rule.

11 (c) For a student midwife during training, undertaking the care  
12 of not less than (~~fifty women~~) 50 individuals in each of the  
13 prenatal, intrapartum, and early postpartum periods, but the same  
14 (~~women~~) individuals need not be seen through all three periods. A  
15 student midwife may be issued a permit upon the satisfactory  
16 completion of the requirements in (a), (b), and (c) of this  
17 subsection and the satisfactory completion of the licensure  
18 examination required by RCW 18.50.060. The permit permits the student  
19 midwife to practice under the supervision of a midwife licensed under  
20 this chapter, a physician, or a certified nurse-midwife licensed  
21 under the authority of chapter 18.79 RCW. The permit shall expire  
22 within one year of issuance and may be extended as provided by rule.

23 (d) Observing an additional (~~fifty women~~) 50 individuals in the  
24 intrapartum period before the candidate qualifies for a license.

25 (e) For candidates seeking a limited prescriptive license  
26 extension, completion of additional study and training requirements  
27 as prescribed by the department in rule. Such rules shall provide  
28 requirements for:

29 (i) The number of additional obstetrical pharmacology training  
30 hours consistent with the training hours required for other similar  
31 prescribers; and

32 (ii) Additional training consistent with guidelines commensurate  
33 with other professions providing family planning and treating common  
34 prenatal and postpartum conditions and any other relevant sources.

35 (f) For candidates seeking a licensing extension to include  
36 medical devices and implants, completion of the requirements listed  
37 in (e) of this subsection and additional study and training  
38 requirements as prescribed by the department in rule. Such rules  
39 shall provide requirements for:

40 (i) The minimum number of completed procedures under supervision;

1 (ii) Completing trainings as required by the device manufacturers  
2 or an equivalent; and

3 (iii) Additional training consistent with guidelines commensurate  
4 with other professions providing family planning and treating common  
5 prenatal and postpartum conditions and any other relevant sources.

6 (3) Notwithstanding subsections (1) and (2) of this section, the  
7 department shall adopt rules to provide credit toward the educational  
8 requirements for licensure before July 1, 1988, of ~~((nonlicensed))~~  
9 midwives who are not licensed in Washington, including rules to  
10 provide:

11 (a) Credit toward licensure for documented deliveries;

12 (b) The substitution of relevant experience for classroom time;  
13 and

14 (c) That experienced lay midwives may sit for the licensing  
15 examination without completing the required coursework.

16 The training required under this section shall include training  
17 in ~~((either hospitals or alternative birth settings or both))~~ any  
18 birth setting with particular emphasis on learning the ability to  
19 differentiate between low-risk and high-risk pregnancies.

20 **Sec. 4.** RCW 18.50.102 and 2014 c 187 s 3 are each amended to  
21 read as follows:

22 (1) A licensed midwife must renew ~~((his or her))~~ the individual's  
23 license according to the following requirements:

24 (a) Completion of a minimum of ~~((thirty))~~ 30 hours of continuing  
25 education, approved by the secretary, every three years;

26 (b) Proof of participation in a Washington state coordinated  
27 quality improvement program as detailed in rule;

28 (c) Proof of participation in data submission on perinatal  
29 outcomes to a national or state research organization, as detailed in  
30 rule; and

31 (d) Fees determined by the secretary as provided in RCW 43.70.250  
32 and 43.70.280.

33 (2) The secretary shall write rules regarding the renewal  
34 requirements and the department's process for verification of the  
35 third-party data submission.

36 **Sec. 5.** RCW 18.50.108 and 1981 c 53 s 14 are each amended to  
37 read as follows:

1 Every licensed midwife shall develop a written plan for  
2 consultation with other health care providers, emergency transfer,  
3 transport of an infant to a newborn nursery or neonatal intensive  
4 care nursery, and transport of ~~((a woman))~~ an individual to an  
5 appropriate obstetrical department or patient care area. The written  
6 plan shall be submitted annually together with the license renewal  
7 fee to the department.

8 **Sec. 6.** RCW 18.50.115 and 2019 c 55 s 1 are each amended to read  
9 as follows:

10 (1) A midwife licensed under this chapter may obtain and  
11 administer prophylactic ophthalmic medication, postpartum oxytocic,  
12 vitamin K, Rho immune globulin (human), and local anesthetic and may  
13 administer such other drugs or medications as prescribed by a  
14 physician, an advanced registered nurse practitioner, or a  
15 naturopath. A pharmacist who dispenses such drugs to a licensed  
16 midwife shall not be liable for any adverse reactions caused by any  
17 method of use by the midwife.

18 (2) A midwife licensed under this chapter who has been granted a  
19 limited prescriptive license extension by the secretary may  
20 prescribe, obtain, and administer medications and therapies for the  
21 prevention and treatment of common prenatal and postpartum conditions  
22 and hormonal and nonhormonal family planning methods, as prescribed  
23 in rule.

24 (3) A midwife licensed under this chapter who has been granted an  
25 additional license extension to include medical devices and implants  
26 by the secretary may prescribe, obtain, and administer hormonal and  
27 nonhormonal family planning medical devices, as prescribed in rule.

28 (4) The secretary, after consultation with representatives of the  
29 midwife advisory committee, the pharmacy quality assurance  
30 commission, and the Washington medical commission, may adopt rules  
31 that authorize licensed midwives to ~~((purchase and use))~~ prescribe,  
32 obtain, and administer legend drugs and devices in addition to the  
33 drugs authorized in this chapter.

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