

A-Engrossed
House Bill 2380

Ordered by the House April 19
Including House Amendments dated April 19

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Health Care)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Requires direct entry midwives to be licensed by Oregon Health Licensing Agency before January 1, 2016.]

Provides for confidentiality of information disclosed during peer review **by direct entry midwife.**

Allows State Board of Direct Entry Midwifery to approve legend drugs and devices for use by direct entry midwives.

Eliminates member from State Board of Direct Entry Midwifery.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to direct entry midwifery; creating new provisions; amending ORS 687.405, 687.470, 687.493
3 and 687.495; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 687.405 to**
6 **687.495.**

7 **SECTION 2. Information disclosed during a peer review required under ORS 687.480 by a**
8 **direct entry midwife who is subject to the peer review is confidential, may not be disclosed**
9 **by any direct entry midwife performing the peer review and is not admissible as evidence in**
10 **any civil or criminal proceeding.**

11 **SECTION 3.** ORS 687.405 is amended to read:

12 687.405. As used in ORS 687.405 to 687.495, "[*licensed*] direct entry [*midwife*] **midwifery**" means
13 [*a person who*]:

14 (1) [*Supervises*] **Supervision of** the conduct of labor and childbirth;

15 (2) [*Advises the*] **Providing advice to a** parent as to the progress of [*the*] childbirth; [*and*] **or**

16 (3) [*Renders*] **Rendering** prenatal, intrapartum and postpartum care.

17 **SECTION 4.** ORS 687.495 is amended to read:

18 687.495. In cooperation with the State Board of Direct Entry Midwifery, the Oregon Health Li-
19 censing Agency shall collect and report data on births for which a direct entry midwife was the
20 primary care provider. The report shall distinguish outcomes between [*licensed*] direct entry
21 midwives **who are licensed under ORS 687.405 to 687.495** and direct entry midwives who are not
22 licensed under ORS 687.405 to 687.495.

23 **SECTION 5.** ORS 687.493 is amended to read:

24 687.493. (1) A midwife licensed under ORS 687.405 to 687.495 may purchase and administer au-

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 thorized scheduled legend drugs and devices that are used in pregnancy, birth, postpartum care,
2 newborn care or resuscitation and that are deemed integral to providing safe care to the public by
3 the State Board of Direct Entry Midwifery by rule.

4 [(2) Legend drugs authorized under subsection (1) of this section are limited:]

5 [(a) For neonatal use to prophylactic ophthalmic medications, vitamin K and oxygen; and]

6 [(b) For maternal use to postpartum antihemorrhagics, Rh_o(D) immune globulin, epinephrine,
7 intravenous fluids, local anesthetic and oxygen.]

8 [(3) Legend devices authorized under subsection (1) of this section are limited to devices for in-
9 jection of medications, for the administration of intravenous fluids, for adult and infant resuscitation
10 and for rupturing the amniotic membranes.]

11 [(4)] (2) A pharmacist who dispenses drugs and devices to a licensed midwife as authorized by
12 this section and in conformity with the provisions of ORS chapter 689 is not liable for any adverse
13 reactions caused by administration of the legend drugs and devices by the midwife.

14 **SECTION 6.** ORS 687.470 is amended to read:

15 687.470. (1) There is established within the Oregon Health Licensing Agency the State Board
16 of Direct Entry Midwifery. The board consists of [*eight*] **seven** members appointed by the Governor
17 and subject to confirmation by the Senate in the manner provided in ORS 171.562 and 171.565. All
18 members of the board must be residents of this state. Of the members of the board:

19 (a) Four must be licensed direct entry midwives.

20 (b) [*Two*] **One** must be a certified nurse [*midwives*] **midwife**.

21 (c) One must be a physician licensed under ORS chapter 677 involved at the time of appointment
22 in obstetrical care or education.

23 (d) One must be a member of the public.

24 (2)(a) Board members required to be licensed direct entry midwives may be selected by the
25 Governor from a list of three to five nominees for each vacancy, submitted by a professional or-
26 ganization representing direct entry midwives.

27 (b) In selecting the members of the board, the Governor shall strive to balance the represen-
28 tation on the board according to:

29 (A) Geographic areas of this state; and

30 (B) Ethnic group.

31 (3)(a) The term of office of each member is three years, but a member serves at the pleasure of
32 the Governor. The terms must be staggered so that no more than three terms end each year. Va-
33 cancies shall be filled by the Governor by appointment for the unexpired term. A member shall hold
34 the member's office until the appointment and qualification of a successor. A member is eligible for
35 reappointment. If a person serves two consecutive full terms, a period of at least three years must
36 elapse before the person is again eligible for appointment to serve on the board.

37 (b) A board member shall be removed immediately from the board if, during the member's term,
38 the member:

39 (A) Is not a resident of this state;

40 (B) Has been absent from three consecutive board meetings, unless at least one absence is ex-
41 cused; or

42 (C) Is not a licensed direct entry midwife or a retired direct entry midwife who was a licensed
43 direct entry midwife in good standing at the time of retirement, if the board member was appointed
44 to serve on the board as a direct entry midwife.

45 (4) Members of the board are entitled to compensation and expenses as provided in ORS 292.495.

1 The agency may provide by rule for compensation to board members for the performance of official
2 duties at a rate that is greater than the rate provided in ORS 292.495.

3 **SECTION 7. (1) The amendments to ORS 687.470 by section 6 of this 2011 Act apply to**
4 **appointments to the State Board of Direct Entry Midwifery made on or after the effective**
5 **date of this 2011 Act.**

6 **(2) A member serving on the board on the effective date of this 2011 Act continues to**
7 **serve until the term of office for which the member was appointed terminates by expiration**
8 **of time, resignation from the board or removal of the member from office.**

9 **SECTION 8. This 2011 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
11 **on its passage.**

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