

# House Bill 2380

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). 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 **as introduced**.

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.

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

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to direct entry midwifery; creating new provisions; amending ORS 687.405, 687.493 and  
3 687.495; repealing ORS 687.415; and declaring an emergency.

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

5 **SECTION 1. Sections 2 to 4 of this 2011 Act are added to and made a part of ORS 687.405**  
6 **to 687.495.**

7 **SECTION 2. A person may not engage in the practice of direct entry midwifery without**  
8 **a direct entry midwifery license issued by the Oregon Health Licensing Agency.**

9 **SECTION 3. ORS 687.405 to 687.495 do not apply to:**

10 (1) **A person using any procedure included in the practice of direct entry midwifery if the**  
11 **procedure is within the scope of practice of the person and the person:**

12 (a) **Is licensed under a health care licensing law of this state; and**

13 (b) **Does not represent or imply that the person is a direct entry midwife.**

14 (2) **A person who is participating in deliveries, prenatal care visits, newborn examinations**  
15 **and postnatal examinations in preparation for licensure as a direct entry midwife in accord-**  
16 **ance with rules adopted by the State Board of Direct Entry Midwifery.**

17 (3) **A person exempted from licensure for religious, cultural or philosophical reasons in**  
18 **accordance with rules adopted by the board.**

19 **SECTION 4. Information disclosed during a peer review required under ORS 687.480 by a**  
20 **direct entry midwife who is subject to the peer review is confidential, may not be disclosed**  
21 **by any direct entry midwife performing the peer review and is not admissible as evidence in**  
22 **any civil or criminal proceeding.**

23 **SECTION 5. ORS 687.405 is amended to read:**

24 687.405. As used in ORS 687.405 to 687.495, “[*licensed*] direct entry [*midwife*] **midwifery**” means  
25 [*a person who*]:

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

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

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

**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        **SECTION 6.** ORS 687.495 is amended to read:

2        687.495. In cooperation with the State Board of Direct Entry Midwifery, the Oregon Health Li-  
3        censing Agency shall collect and report data on births for which a direct entry midwife was the  
4        primary care provider. *[The report shall distinguish outcomes between licensed direct entry midwives*  
5        *and direct entry midwives who are not licensed under ORS 687.405 to 687.495.]*

6        **SECTION 7.** ORS 687.493 is amended to read:

7        687.493. (1) A midwife licensed under ORS 687.405 to 687.495 may purchase and administer au-  
8        thorized scheduled legend drugs and devices that are used in pregnancy, birth, postpartum care,  
9        newborn care or resuscitation and that are deemed integral to providing safe care to the public by  
10       the State Board of Direct Entry Midwifery by rule.

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

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

13       *[(b) For maternal use to postpartum antihemorrhagics, Rh<sub>o</sub>(D) immune globulin, epinephrine,*  
14       *intravenous fluids, local anesthetic and oxygen.]*

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

18       *[(4)]* (2) A pharmacist who dispenses drugs and devices to a licensed midwife as authorized by  
19       this section and in conformity with the provisions of ORS chapter 689 is not liable for any adverse  
20       reactions caused by administration of the legend drugs and devices by the midwife.

21       **SECTION 8.** ORS 687.415 is repealed on January 1, 2016.

22       **SECTION 9.** (1) Sections 2 and 3 of this 2011 Act and the amendments to ORS 687.405 and  
23       687.495 by sections 5 and 6 of this 2011 Act become operative on January 1, 2016.

24       (2) The State Board of Direct Entry Midwifery and the Oregon Health Licensing Agency  
25       may take any action before the operative date specified in subsection (1) of this section to  
26       enable the board and the agency to exercise, on and after the operative date specified in  
27       subsection (1) of this section, all the duties, functions and powers conferred on the board and  
28       the agency by sections 2 and 3 of this 2011 Act and the amendments to ORS 687.405 and  
29       687.495 by sections 5 and 6 of this 2011 Act.

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