

B-Engrossed
House Bill 2997

Ordered by the House July 1
Including House Amendments dated April 17 and July 1

Sponsored by 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 person to obtain license to practice direct entry midwifery.

[Grants State Board of Direct Entry Midwifery certain powers related to rulemaking, investigations and discipline, including power to impose civil penalties.]

Requires Oregon Health Licensing Agency to delegate authority to enter final order for all contested cases relating to practice of direct entry midwifery to State Board of Direct Entry Midwifery. Requires agency to follow certain procedures involving board when investigating matters related to 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 676.607, 676.608, 676.612,
3 676.992, 687.405, 687.415, 687.420, 687.445, 687.480, 687.485 and 687.493; and declaring an emer-
4 gency.

5 Whereas the State of Oregon recognizes that the practice of direct entry midwifery has a long
6 history of serving women and families within this state; and

7 Whereas it is in the public interest to support the practice of direct entry midwifery; and

8 Whereas the state supports the right of women to give birth in a setting other than a hospital;
9 and

10 Whereas a person should have access to health care in such a setting; and

11 Whereas mandatory licensure programs aim to improve the public safety; and

12 Whereas the state recognizes that pregnancy and childbirth are not illnesses; and

13 Whereas the provision of health care by a direct entry midwife is a reasonable choice for a
14 healthy pregnant woman; and

15 Whereas the purpose of this Act is to regulate the profession of direct entry midwifery; and

16 Whereas nothing in this Act abridges, limits or changes the right of a pregnant woman to de-
17 liver a newborn where, how and with whom the pregnant woman chooses, regardless of whether a
18 direct entry midwife is required to be licensed; now, therefore,

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

20
21 **LICENSING**

22
23 **SECTION 1.** ORS 687.415 is amended to read:

24 687.415. *[(1) A license authorized by ORS 687.405 to 687.495 is required only for purposes of re-*
25 *imbursement under medical assistance programs and is not required for the practice of direct entry*

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 *midwifery in this state.]*

2 [(2) Nothing in ORS 687.405 to 687.495 is intended to require a direct entry midwife to become li-
3 censed as described in ORS 687.420 (2).]

4 (1) Except as provided in subsection (2) of this section, a person may not practice direct
5 entry midwifery in this state unless the person holds a license to practice direct entry
6 midwifery under ORS 687.405 to 687.495.

7 (2) A person may practice direct entry midwifery in this state without a license to prac-
8 tice direct entry midwifery if:

9 (a) The person is a licensed health care practitioner and the services described in ORS
10 687.405 are within the scope of the person's license; or

11 (b)(A) The person is acting as a traditional midwife and does not use legend drugs or
12 devices, the use of which requires a license under the laws of this state;

13 (B) The person does not advertise that the person is a midwife; and

14 (C) The person discloses to each client on a form adopted by the State Board of Direct
15 Entry Midwifery by rule:

16 (i) That the person does not possess a professional license issued by the state;

17 (ii) That the person's education and qualification have not been reviewed by the state;

18 (iii) That the person is not authorized to carry and administer potentially life saving
19 medications;

20 (iv) That the risk of harm or death to a mother or newborn may increase as a result of
21 the information described in sub-subparagraphs (i) and (ii) of this subparagraph;

22 (v) A plan for transporting the client to the nearest hospital, as defined in ORS 442.015,
23 if a problem arises during labor or childbirth;

24 (vi) That the client will not have recourse through a complaint process; and

25 (vii) The types of midwives who are licensed by the state.

26 (3) If supervised by a person licensed to practice direct entry midwifery, a student
27 midwife, birth assistant or other individual may assist the direct entry midwife in the pro-
28 vision of services described in ORS 687.405.

29 (4) A license to practice direct entry midwifery under ORS 687.405 to 687.495 is required
30 for purposes of reimbursement under medical assistance programs.

31 **SECTION 2.** ORS 687.420 is amended to read:

32 687.420. (1) The State Board of Direct Entry Midwifery shall establish standards for qualifica-
33 tions for the licensure of direct entry midwives. Such standards shall *[include]*:

34 [(a) Sufficient knowledge in the following areas:]

35 [(A) Techniques in taking patient histories;]

36 [(B) Anatomy and physiology of the female reproductive system;]

37 [(C) Appropriate use of diagnostic testing;]

38 [(D) Necessity for referral;]

39 [(E) Pathology in childbirth;]

40 [(F) Mechanisms of labor;]

41 [(G) Aseptic techniques;]

42 [(H) Postpartum care;]

43 [(I) Examinations of newborn infants; and]

44 [(J) Family planning;]

45 [(b) Successful passage of written and oral examinations;]

1 [(c) *Participation in:*]

2 [(A) *25 assisted deliveries;*]

3 [(B) *25 deliveries for which the midwife was the primary care provider;*]

4 [(C) *100 prenatal care visits;*]

5 [(D) *25 newborn examinations; and*]

6 [(E) *40 postnatal examinations;*]

7 [(d) *Current certification in cardiopulmonary resuscitation for infants and adults; and*]

8 [(e) *A written plan for emergency transport.*]

9 (a) **Be consistent with the requirements for becoming a certified professional midwife as**
10 **established by the North American Registry of Midwives;**

11 (b) **Require the applicant to hold a Certified Professional Midwife credential established**
12 **by the North American Registry of Midwives;**

13 (c) **Require the applicant to successfully complete an examination approved by the board;**

14 (d) **Require the applicant to be certified in cardiopulmonary resuscitation for infants and**
15 **adults;**

16 (e) **Require the applicant to submit a written plan for emergency transport of prospective**
17 **patients;**

18 (f) **Require the applicant to hold a high school diploma or to successfully pass a high**
19 **school equivalency course; and**

20 (g) **Require that the applicant participate in at a minimum:**

21 (A) **25 assisted deliveries;**

22 (B) **25 deliveries for which the applicant was the primary care provider;**

23 (C) **100 prenatal care visits;**

24 (D) **25 newborn examinations; and**

25 (E) **40 postnatal examinations.**

26 (2) Any person who desires to become licensed as a direct entry midwife shall submit an appli-
27 cation to the Oregon Health Licensing Agency stating the applicant's qualifications for licensure.
28 If the applicant meets the standards established under subsection (1) of this section and the appli-
29 cant is not disqualified from licensure under ORS 676.612, the agency shall issue an annual license
30 to the direct entry midwife. The agency shall impose a fee for **application**, licensure and examina-
31 tion in the amount established pursuant to ORS 687.435.

32 (3) [Any] **A** direct entry midwife licensed under this section is entitled to payment under the
33 rules of the medical assistance program for services provided to [any] **an** eligible recipient of med-
34 ical assistance.

35
36 **RULEMAKING AUTHORITY**

37
38 **SECTION 3.** ORS 687.480 is amended to read:

39 687.480. (1) **The State Board of Direct Entry Midwifery shall adopt rules for the adminis-**
40 **tration of ORS 687.405 to 687.495.**

41 (2) The [State Board of Direct Entry Midwifery shall develop] **board shall adopt** practice stan-
42 dards that [shall] include [but not be limited to]:

43 [(1)] (a) Maintenance of records of care, including [client] **patient** charts;

44 [(2)] (b) Participation in peer review;

45 [(3)] (c) Development of a written plan for emergency transport **of patients;**

1 [(4)] (d) Guidelines for equipment; and

2 [(5)] (e) Maintenance of patient disclosure forms, which [*includes*] **must include** information
3 regarding whether the midwife has malpractice insurance.

4 **SECTION 4.** ORS 687.485 is amended to read:

5 687.485. In addition to the powers otherwise granted by ORS 687.405 to 687.495, the Oregon
6 Health Licensing Agency, in consultation with the State Board of Direct Entry Midwifery, may:

7 (1) Determine whether applicants meet the qualifications under ORS 687.405 to 687.495[, *conduct*
8 *examinations*] and grant licenses to qualified applicants upon compliance with the rules of the board
9 [*and the agency*];

10 (2) Do any act necessary or proper to effect and carry out the duties required of the agency by
11 ORS 687.405 to 687.495; **and**

12 [(3) *Adopt rules for the administration of ORS 687.405 to 687.495; and*]

13 [(4)] (3) Accept and expend donations, contributions and grant funds for the purposes of ORS
14 687.405 to 687.495.

15
16 **INVESTIGATIONS AND DISCIPLINE**

17
18 **SECTION 5.** ORS 676.608 is amended to read:

19 676.608. (1) As used in this section:

20 (a) "Holder" means a person who holds a certificate, license, permit or registration to practice
21 issued by the Oregon Health Licensing Agency.

22 (b) "Public entity" has the meaning given that term in ORS 676.177.

23 (2)(a) The agency shall carry out [*all*] **the** investigatory duties **necessary to enforce the pro-**
24 **visions of ORS 676.605 to 676.625 and 676.992.**

25 (b) [*Upon its own motion,*] **Subject to subsection (12) of this section,** the agency, **upon its**
26 **own motion,** may initiate and conduct investigations of matters relating to the practice of occupa-
27 tions or professions subject to the authority of the boards, councils and programs listed in ORS
28 676.606.

29 (c) **Subject to subsection (12) of this section,** when the agency receives a complaint by [*any*
30 *person*] against a holder, the agency shall investigate the complaint as provided in ORS 676.165.

31 (3) While conducting an investigation authorized under subsection (2) of this section or a hear-
32 ing related to an investigation, the agency may:

33 (a) Take evidence;

34 (b) Administer oaths;

35 (c) Take the depositions of witnesses, including the person charged;

36 (d) Compel the appearance of witnesses, including the person charged;

37 (e) Require answers to interrogatories;

38 (f) Compel the production of books, papers, accounts, documents and testimony pertaining to the
39 matter under investigation; and

40 (g) Conduct criminal and civil background checks to determine conviction of a crime that bears
41 a demonstrable relationship to the field of practice.

42 (4) In exercising its authority under this section, the agency may issue subpoenas over the sig-
43 nature of the Director of the Oregon Health Licensing Agency or designated employee thereof and
44 in the name of the State of Oregon.

45 (5) If a person fails to comply with a subpoena issued under this section, the judge of the Circuit

1 Court for Marion County may compel obedience by initiating proceedings for contempt as in the
2 case of disobedience of the requirements of a subpoena issued from the court.

3 (6) If necessary, the director, or an employee designated by the director, may appear before a
4 magistrate empowered to issue warrants in criminal cases to request that the magistrate issue a
5 warrant. The magistrate shall issue a warrant, directing it to any sheriff or deputy or police officer,
6 to enter the described property, to remove any person or obstacle, to defend any threatened violence
7 to the director or a designee of the director or an officer, upon entering private property, or to as-
8 sist the director in enforcing the agency's authority in any way.

9 (7) In all investigations and hearings, the agency and any person affected thereby may have the
10 benefit of counsel.

11 (8) If a holder who is the subject of a complaint or an investigation is to appear before the
12 agency, the agency shall provide the holder with a current summary of the complaint or the matter
13 being investigated not less than 10 days before the date that the holder is to appear. At the time
14 the summary of the complaint or the matter being investigated is provided, the agency shall provide
15 the holder with a current summary of documents or alleged facts that the agency has acquired as
16 a result of the investigation. The name of the complainant may be withheld from the holder.

17 (9) A holder who is the subject of an investigation, and any person acting on behalf of the
18 holder, may not contact the complainant until the holder has requested a contested case hearing and
19 the agency has authorized the taking of the complainant's deposition pursuant to ORS 183.425.

20 (10) Except in an investigation or proceeding conducted by the agency or another public entity,
21 or in an action, suit or proceeding in which a public entity is a party, a holder may not be ques-
22 tioned or examined regarding any communication with the agency made in an appearance before the
23 agency as part of an investigation.

24 (11) This section does not prohibit examination or questioning of a holder regarding records
25 about the holder's care and treatment of a patient or affect the admissibility of those records.

26 **(12) In conducting an investigation related to the practice of direct entry midwifery, as**
27 **defined in ORS 687.405, the agency shall:**

28 **(a) Allow the State Board of Direct Entry Midwifery to review the motion or complaint**
29 **before beginning the investigation;**

30 **(b) Allow the board to prioritize the investigation with respect to other investigations**
31 **related to the practice of direct entry midwifery; and**

32 **(c) Consult with the board during and after the investigation for the purpose of deter-**
33 **mining whether to pursue disciplinary action.**

34 **SECTION 6. Section 7 of this 2013 Act is added to and made a part of ORS 676.605 to**
35 **676.625.**

36 **SECTION 7. The Oregon Health Licensing Agency shall delegate the authority to enter**
37 **a final order for all contested cases related to the practice of direct entry midwifery, as de-**
38 **defined in ORS 687.405, to the State Board of Direct Entry Midwifery. Notwithstanding ORS**
39 **183.411, the delegation of authority does not need to be made in writing before the issuance**
40 **of an order.**

41 **SECTION 8. ORS 676.607 is amended to read:**

42 676.607. (1) The Oregon Health Licensing Agency is responsible for the administration and reg-
43 ulatory oversight of the boards, councils and programs listed in ORS 676.606. The responsibilities
44 of the agency include, but are not limited to:

45 (a) Budgeting;

- 1 (b) Record keeping;
 - 2 (c) Staffing;
 - 3 (d) Contracting;
 - 4 (e) Consumer protection and investigating complaints;
 - 5 (f) Approving and collecting fees;
 - 6 (g) Establishing and administering uniform application processes for the issuance of certificates,
7 licenses, permits and registrations;
 - 8 (h) Issuing and renewing certificates, licenses, permits and registrations;
 - 9 (i) **Subject to ORS 687.445 and section 7 of this 2013 Act**, conditioning, limiting, suspending,
10 revoking or refusing to issue or renew a certificate, license, permit or registration or otherwise
11 disciplining applicants, certificate holders, licensees, permit holders and registration holders;
 - 12 (j) Sanctioning any examination service provider, interpreter or proctor who is under contract
13 or agreement with the agency and who compromises the security, confidentiality or integrity of ex-
14 aminations developed or conducted pursuant to the statutory authority of the boards and councils
15 listed in ORS 676.606;
 - 16 (k) Enforcing all administrative rules adopted under any statute the agency is charged with
17 enforcing, including board, council and program administrative rules establishing professional code
18 of conduct and practice standards, continuing education requirements, the scope of professional
19 practice and requirements for obtaining informed consent before providing certain services or per-
20 forming any procedure on clients;
 - 21 (L) Preparing, tracking and reporting agency performance measures;
 - 22 (m) Implementing regulatory streamlining initiatives to reduce regulatory burdens without com-
23 promising regulatory standards;
 - 24 (n) Preparing and circulating printed and electronic materials for educating or otherwise as-
25 sisting applicants, certificate holders, licensees, permit holders and registration holders and the
26 public;
 - 27 (o) Adopting rules for the issuance of waivers or provisional authorizations to practice, and es-
28 tablishing special conditions of practice, during a state of emergency declared by the Governor un-
29 der ORS 401.165;
 - 30 (p) Referring impaired practitioners to a diversion program approved or recognized by the
31 agency and establishing criteria by rule for monitoring the impaired practitioner's progress and
32 successful completion of the program; and
 - 33 (q) Establishing requirements for additional education, training or supervised experience to
34 achieve compliance with the laws and rules governing professional practice.
- 35 (2) The enumeration of duties, functions and powers in subsection (1) of this section is not in-
36 tended to be exclusive or to limit the duties, functions and powers imposed on or vested in the
37 agency by other statutes.

38 **SECTION 9.** ORS 676.612 is amended to read:

39 676.612. (1) **Subject to ORS 687.445 and section 7 of this 2013 Act**, and in the manner pre-
40 scribed in ORS chapter 183 for contested cases and as specified in ORS 675.385, 678.780, 680.535,
41 687.445, 688.734, 688.836, 690.167, 690.407, 691.477, 694.147 and 700.111, the Oregon Health Licensing
42 Agency may refuse to issue or renew, may suspend or revoke or may otherwise condition or limit
43 a certificate, license, permit or registration to practice issued by the agency or may discipline or
44 place on probation a holder of a certificate, license, permit or registration for commission of the
45 prohibited acts listed in subsection (2) of this section.

1 (2) A person subject to the authority of a board, council or program listed in ORS 676.606
2 commits a prohibited act if the person engages in:

3 (a) Fraud, misrepresentation, concealment of material facts or deception in applying for or ob-
4 taining an authorization to practice in this state, or in any written or oral communication to the
5 agency concerning the issuance or retention of the authorization.

6 (b) Using, causing or promoting the use of any advertising matter, promotional literature, testi-
7 monial, guarantee, warranty, label, insignia or any other representation, however disseminated or
8 published, that is false, misleading or deceptive.

9 (c) Making a representation that the certificate, license, permit or registration holder knew or
10 should have known is false or misleading regarding skill or the efficacy or value of treatment or
11 remedy administered by the holder.

12 (d) Practicing under a false, misleading or deceptive name, or impersonating another certificate,
13 license, permit or registration holder.

14 (e) Permitting a person other than the certificate, license, permit or registration holder to use
15 the certificate, license, permit or registration.

16 (f) Practicing with a physical or mental condition that presents an unreasonable risk of harm
17 to the holder of a certificate, license, permit or registration or to the person or property of others
18 in the course of performing the holder's duties.

19 (g) Practicing while under the influence of alcohol, controlled substances or other skill-impairing
20 substances, or engaging in the illegal use of controlled substances or other skill-impairing sub-
21 stances so as to create a risk of harm to the person or property of others in the course of per-
22 forming the duties of a holder of a certificate, license, permit or registration.

23 (h) Failing to properly and reasonably accept responsibility for the actions of employees.

24 (i) Employing, directly or indirectly, any suspended, uncertified, unlicensed or unregistered per-
25 son to practice a regulated occupation or profession subject to the authority of the boards, councils
26 and programs listed in ORS 676.606.

27 (j) Unprofessional conduct, negligence, incompetence, repeated violations or any departure from
28 or failure to conform to standards of practice in performing services or practicing in a regulated
29 occupation or profession subject to the authority of the boards, councils and programs listed under
30 ORS 676.606.

31 (k) Conviction of any criminal offense, subject to ORS 670.280. A copy of the record of con-
32 viction, certified by the clerk of the court entering the conviction, is conclusive evidence of the
33 conviction. A plea of no contest or an admission of guilt shall be considered a conviction for pur-
34 poses of this paragraph.

35 (L) Failing to report any adverse action, as required by statute or rule, taken against the cer-
36 tificate, license, permit or registration holder by another regulatory jurisdiction or any peer review
37 body, health care institution, professional association, governmental agency, law enforcement agency
38 or court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary
39 action as described in this section.

40 (m) Violation of a statute regulating an occupation or profession subject to the authority of the
41 boards, councils and programs listed in ORS 676.606.

42 (n) Violation of any rule regulating an occupation or profession subject to the authority of the
43 boards, councils and programs listed in ORS 676.606.

44 (o) Failing to cooperate with the agency in any investigation, inspection or request for infor-
45 mation.

1 (p) Selling or fraudulently obtaining or furnishing any certificate, license, permit or registration
2 to practice in a regulated occupation or profession subject to the authority of the boards, councils
3 and programs listed in ORS 676.606, or aiding or abetting such an act.

4 (q) Selling or fraudulently obtaining or furnishing any record related to practice in a regulated
5 occupation or profession subject to the authority of the boards, councils and programs listed in ORS
6 676.606, or aiding or abetting such an act.

7 (r) Failing to pay an outstanding civil penalty or fee that is due or failing to meet the terms of
8 any order issued by the agency that has become final.

9 (3) For the purpose of requesting a state or nationwide criminal records check under ORS
10 181.534, the agency may require the fingerprints of a person who is:

11 (a) Applying for a certificate, license, permit or registration that is issued by the agency;

12 (b) Applying for renewal of a certificate, license, permit or registration that is issued by the
13 agency; or

14 (c) Under investigation by the agency.

15 (4) If the agency places a holder of a certificate, license, permit or registration on probation
16 under subsection (1) of this section, the agency, in consultation with the appropriate board, council
17 or program, may determine and at any time modify the conditions of the probation.

18 (5) If a certificate, license, permit or registration is suspended, the holder may not practice
19 during the term of suspension. Upon the expiration of the term of suspension, the certificate, license,
20 permit or registration may be reinstated by the agency if the conditions of suspension no longer
21 exist and the holder has satisfied all requirements in the relevant statutes or administrative rules
22 for issuance, renewal or reinstatement.

23 **SECTION 10.** ORS 676.992 is amended to read:

24 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
25 penalty or remedy provided by law, the Oregon Health Licensing Agency may impose a civil penalty
26 not to exceed \$5,000 for each violation of the following statutes and any rule adopted thereunder:

27 (a) ORS 688.701 to 688.734 (athletic training);

28 (b) ORS 690.005 to 690.235 (cosmetology);

29 (c) ORS 680.500 to 680.565 (denture technology);

30 (d) **Subject to ORS 687.445 and section 7 of this 2013 Act**, ORS 687.405 to 687.495 (direct
31 entry midwifery);

32 (e) ORS 690.350 to 690.415 (tattooing, electrolysis, body piercing, dermal implanting and
33 scarification);

34 (f) ORS 694.015 to 694.185 (dealing in hearing aids);

35 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

36 (h) ORS chapter 700 (environmental sanitation);

37 (i) ORS 676.617 (single facility licensure);

38 (j) ORS 675.360 to 675.410 (sex offender treatment);

39 (k) ORS 678.710 to 678.820 (nursing home administrators);

40 (L) ORS 691.405 to 691.485 (dietitians); and

41 (m) ORS 676.612 (prohibited acts).

42 (2) The agency may take any other disciplinary action that it finds proper, including but not
43 limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any
44 statute listed in subsection (1) of this section or any rule adopted under any statute listed in sub-
45 section (1) of this section.

1 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a
2 violation of ORS 694.042.

3 (4) In imposing a civil penalty pursuant to this section, the agency shall consider the following
4 factors:

5 (a) The immediacy and extent to which the violation threatens the public health or safety;

6 (b) Any prior violations of statutes, rules or orders;

7 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
8 lation; and

9 (d) Any other aggravating or mitigating factors.

10 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

11 (6) The moneys received by the agency from civil penalties under this section shall be paid into
12 the General Fund of the State Treasury and credited to the Oregon Health Licensing Agency Ac-
13 count established under ORS 676.625. Such moneys are continuously appropriated to the agency for
14 the administration and enforcement of the laws the agency is charged with administering and en-
15 forcing that govern the person against whom the penalty was imposed.

16 **SECTION 11.** ORS 687.445 is amended to read:

17 687.445. In the manner prescribed in ORS chapter 183 for contested cases and in consultation
18 with [*the State Board of Direct Entry Midwifery,*] the Oregon Health Licensing Agency, **the State**
19 **Board of Direct Entry Midwifery** may impose a form of discipline specified in ORS 676.612 **and**
20 **676.992 (1) and (2)** against any person practicing direct entry midwifery for any of the grounds
21 listed in ORS 676.612 and for any violation of the provisions of ORS 687.405 to 687.495[,] or the rules
22 adopted [*thereunder*] **under ORS 687.405 to 687.495.**

23
24 **OTHER CHANGES TO STATE BOARD OF DIRECT ENTRY MIDWIFERY**

25
26 **SECTION 12.** ORS 687.405 is amended to read:

27 687.405. As used in ORS 687.405 to 687.495, “direct entry midwifery” means **providing the fol-**
28 **lowing services for compensation:**

29 (1) Supervision of the conduct of labor and childbirth;

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

31 (3) Rendering prenatal, intrapartum and postpartum care; **and**

32 (4) **Making newborn assessments.**

33 **SECTION 13.** ORS 687.493 is amended to read:

34 687.493. (1) A **direct entry** midwife licensed under ORS 687.405 to 687.495 may purchase and
35 administer authorized scheduled legend drugs and devices that are used in pregnancy, birth,
36 postpartum care, newborn care or resuscitation and that are deemed integral to providing safe care
37 to the public by the State Board of Direct Entry Midwifery by rule.

38 (2) Legend drugs authorized under subsection (1) of this section are limited:

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

40 (b) For maternal use to **antibiotics for Group B Streptococcal antibiotic prophylaxis,**
41 postpartum antihemorrhagics, Rh₀(D) immune globulin, epinephrine, intravenous fluids, local anes-
42 thetic and oxygen.

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

1 (4) A pharmacist who dispenses drugs and devices to a licensed midwife as authorized by this
2 section and in conformity with the provisions of ORS chapter 689 is not liable for any adverse re-
3 actions caused by administration of the legend drugs and devices by the midwife.

4
5 **APPLICABILITY**

6
7 **SECTION 14.** (1) The amendments to ORS 687.420 by section 2 of this 2013 Act apply to
8 persons who submit an application to the Oregon Health Licensing Agency to become li-
9 censed as a direct entry midwife on or after the operative date specified in section 15 of this
10 2013 Act.

11 (2) Notwithstanding the amendments to ORS 687.415 by section 1 of this 2013 Act, a per-
12 son who is not licensed to practice direct entry midwifery under ORS 687.405 to 687.495 may
13 continue to practice direct entry midwifery until January 1, 2015.

14
15 **OPERATIVE DATE**

16
17 **SECTION 15.** (1) Sections 6 and 7 of this 2013 Act and the amendments to statutes by
18 sections 1 to 5 and 8 to 13 of this 2013 Act become operative on January 1, 2014.

19 (2) The State Board of Direct Entry Midwifery and the Oregon Health Licensing Agency
20 may take any action before the operative date specified in subsection (1) of this section to
21 enable the board and agency to exercise, on and after the operative date specified in sub-
22 section (1) of this section, all of the duties, functions and powers conferred on the board and
23 agency by section 7 of this 2013 Act and the amendments to statutes by sections 1 to 5 and
24 8 to 13 of this 2013 Act.

25
26 **UNIT CAPTIONS**

27
28 **SECTION 16.** The unit captions used in this 2013 Act are provided only for the conven-
29 ience of the reader and do not become part of the statutory law of this state or express any
30 legislative intent in the enactment of this 2013 Act.

31
32 **EMERGENCY CLAUSE**

33
34 **SECTION 17.** This 2013 Act being necessary for the immediate preservation of the public
35 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
36 on its passage.

37 _____