

1 AN ACT concerning midwives.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the
5 Certified Professional Midwife Licensure Act.

6 Section 5. Findings and purpose. This Act is intended
7 to establish a licensing procedure for Certified Professional
8 Midwives in Illinois. The General Assembly finds and
9 declares:

10 (1) There is broad and substantial support among
11 the citizens of the State of Illinois for allowing access
12 to Certified Professional Midwifery services for those
13 parents who choose the option of out-of-hospital birth.

14 (2) Certified Professional Midwifery services
15 should be available to everyone.

16 (3) The intent of this Act is to encourage and
17 enable the practice of Certified Professional Midwives
18 for the benefit of mothers, babies, and families in the
19 State of Illinois.

20 (4) Birth is a normal and healthy event in the life
21 of a woman and her family and has physical, emotional,
22 spiritual, and social dimensions.

23 (5) The Midwifery Model of Care is fundamentally
24 different than the Medical Maternity Model of Care.

25 (6) Certified Professional Midwives apply the
26 Midwifery Model of Care to provide sound care for
27 birthing women in out-of-hospital settings. The
28 application of this woman-centered model of care has been
29 proven to reduce the incidence of birth injury, trauma,
30 and cesarean section.

1 Section 10. Definitions. As used in this Act:

2 "Certified Professional Midwife" means a person who has
3 met the standards for certification set by the North American
4 Registry of Midwives or its successor and has been awarded
5 this credential.

6 "Council" means the Certified Professional Midwifery
7 Council.

8 "Licensed midwife" means a person who is licensed under
9 this Act.

10 "Department" means the Department of Public Health.

11 "Director" means the Director of Public Health.

12 "North American Registry of Midwives" or "NARM" means the
13 international agency, or its successor, that has established
14 and has continued to administer certification for the
15 credential of Certified Professional Midwife (CPM).

16 "Midwifery" means the provision of care, support, and
17 education to women and their families during the childbearing
18 cycle, including antepartum, intrapartum, and postpartum care
19 for women; newborn assessment, care of newborns, and referral
20 for pediatric care; and well-woman gynecology and family
21 planning. When needed, this care occurs in consultation with
22 and referral to members of the health care system.

23 "Consultation" means the process whereby a Certified
24 Professional Midwife seeks the advice or opinion of a
25 physician or another member of the health care team.

26 "Referral" means the process whereby a Certified
27 Professional Midwife directs the client to a physician or
28 another health care professional for management of a
29 particular problem or aspect of the client's care.

30 "Peer review" means an educational review process in
31 accordance with the current NARM peer review standards which
32 includes a certificate of participation document.

33 "Informed consent" means a document that includes, but is
34 not limited to, disclosure of the midwife's education, skill

1 level, liability insurance coverage, and written plan for
2 medical emergencies.

3 "Midwifery Model of Care" means a philosophy of care that
4 is based on the fact that pregnancy and birth are normal life
5 processes. The Midwifery Model of Care includes monitoring
6 the physical, psychological, and social well-being of the
7 mother throughout the childbearing cycle; providing the
8 mother with individualized education, counseling, and
9 prenatal care, continuous hands-on assistance during labor
10 and delivery, and postpartum support; minimizing
11 technological interventions; and identifying and referring
12 women who require obstetrical attention.

13 Section 15. License required.

14 (a) Beginning July 1, 2004, no person shall practice
15 midwifery in this State without a license under this Act,
16 except as provided in Section 20.

17 (b) No person shall use in connection with the person's
18 name any letters, words, or insignia indicating or implying
19 that the person is a licensed midwife unless the person is
20 licensed in accordance with this Act. A person so licensed
21 may use the abbreviation "L.M." in connection with the
22 person's name.

23 Section 20. Exemptions.

24 (a) Nothing in this Act shall be construed to prohibit
25 or to require registration under this Act, with regard to:

26 (1) The gratuitous rendering of services.

27 (2) The rendering of services by a person if such
28 attendance is in accordance with the person's religious
29 faith and is rendered to persons with a similar
30 religious faith.

31 (3) Certified nurse midwives authorized under the
32 Advanced Practice Nursing Board to practice in Illinois.

1 (4) Licensed physicians or other licensed health
2 care providers authorized to provide maternity care.

3 (5) Midwifery which is included in their program of
4 study by Certified Professional Midwifery Students
5 enrolled in programs of midwifery training.

6 (b) Neither the Medical Practice Act of 1987 nor the
7 Nursing and Advanced Practice Nursing Act shall be construed
8 as prohibiting the practice of midwifery by persons licensed
9 under this Act.

10 Section 25. Certified Professional Midwifery Council.
11 There shall be established, within the Department of Public
12 Health, a Certified Professional Midwifery Council composed
13 of 7 members appointed by the Governor. The appointed
14 members of the Council shall include 5 Certified Professional
15 Midwives and 2 consumers who shall be previous recipients of
16 Certified Professional Midwifery services. Of the members
17 first appointed to the Council, 3 members shall be appointed
18 for a term of 3 years, 2 members shall be appointed for a
19 term of 2 years, and 2 members shall be appointed for a term
20 of one year. Thereafter, all members shall serve 3-year
21 terms. In making appointments to the Council, the Governor
22 shall consider the recommendations of individuals and
23 organizations directly involved with Certified Professional
24 Midwifery in this State.

25 A vacancy in an unexpired term shall be filled in the
26 same manner as the original appointment. The Governor may
27 remove a Council member for misconduct, incapacity, or
28 neglect of duty, but only after notice and a public hearing,
29 unless the notice and hearing are waived by the member in
30 writing.

31 The Council shall elect from its membership a
32 chairperson. The Council may meet as needed but shall meet
33 at least twice a year.

1 Section 30. Certified Professional Midwifery Council
2 powers. The Certified Professional Midwifery Council is
3 authorized to:

4 (1) Recommend and approve the adoption and revision
5 of any rules that may be necessary to carry out the
6 provisions of this Act that are designed to protect the
7 health, safety, and welfare of the public. The rules
8 shall include the scope of practice and services provided
9 regarding the use of equipment, procedures, and
10 medications.

11 (2) Conduct hearings and disciplinary conferences
12 upon disciplinary charges of those licensed as provided
13 in Section 70 and those in violation of Section 15.

14 (3) Report to the Department, upon completion of a
15 hearing, the disciplinary actions recommended to be taken
16 against a person violating this Act.

17 (4) Approve, deny, or withdraw approval of required
18 education and continuing educational programs.

19 Section 35. Immunity from suit. The members of the
20 Council are immune from suit in any action based upon
21 disciplinary proceedings or other acts performed as members
22 of the Council, except those involving willful or wanton
23 misconduct.

24 Section 40. Compensation. Members of the Council shall
25 serve without compensation, but shall be reimbursed for
26 actual expenses necessarily incurred in the discharge of
27 their duties.

28 Section 45. Powers and duties of the Department.

29 (A) The Department shall exercise the powers and duties
30 necessary for effectuating the purpose of this Act. None of
31 the functions, powers, or duties of the Department, with

1 respect to licensure, shall be exercised by the Department
2 except upon review and approval by the Council.

3 (B) The Department shall have the authority and
4 responsibility to:

5 (1) License individuals who qualify for licensure.

6 (2) Issue quarterly reports to the Council on the
7 status of all formal complaints filed by the Department
8 and on significant issues as determined by the Council.

9 (3) Promulgate rules for licensure of candidates
10 authorized to practice under this Act.

11 Section 50. Eligibility. A person is eligible to be
12 licensed as a midwife if that person meets the following
13 qualifications:

14 (1) Has the credential Certified Professional
15 Midwife (CPM);

16 (2) Is in good standing with the North American
17 Registry of Midwives (NARM);

18 (3) Meets or exceeds the certification requirements
19 set forth by NARM as of January 1, 2003;

20 (4) Is at least 21 years old;

21 (5) Participates in Peer Review at least twice per
22 year; and

23 (6) Provides the Department with an annually
24 updated informed consent document.

25 Section 55. Scope of practice; informed consent.

26 (a) A licensed midwife may perform any of the midwifery
27 services and skills established by the North American
28 Registry of Midwives, including, but not limited to,
29 antepartum, intrapartum, and postpartum care of women;
30 newborn assessment and care of newborns; and well-woman
31 gynecology and family planning.

32 (b) A copy of the informed consent document, signed and

1 dated by the client, must be kept in each client's chart.

2 Section 60. Applications for and issuance of licenses.
3 A person shall apply to the Director on a form furnished by
4 the Department for licensure as a midwife. The application
5 shall be accompanied by payment of the specified fee and
6 evidence that the person meets the eligibility requirements
7 of this Act.

8 Section 65. Renewals. A midwife license must be
9 renewed every 3 years. An applicant for renewal shall submit
10 to the Department the following:

11 (1) A renewal application on the prescribed form
12 furnished by the Department.

13 (2) A renewal fee as prescribed by the Department.

14 Section 70. Fees. The Department shall have the
15 authority to:

16 (1) Charge each candidate for licensure a fee to be
17 submitted with an application.

18 (2) Charge each licensed midwife a fee for renewal
19 of the license.

20 Section 75. Disciplinary action.

21 (a) A licensed midwife or applicant for licensure,
22 renewal, or reinstatement shall not engage in unprofessional
23 conduct, which includes:

24 (1) Fraudulently procuring or using a license.

25 (2) Willfully making or filing false reports or
26 records, willfully impeding or obstructing the filing of
27 reports or records, or willfully failing to file required
28 reports or records in the practice of midwifery.

29 (3) Using dishonest or misleading advertising.

30 (4) Failing to comply with any related statutes

1 during the practice of midwifery.

2 (5) Conviction of a crime related to the practice
3 of midwifery as described in this Act.

4 (6) Failing to provide, in a timely manner, copies
5 of all records of the care provided to a person after a
6 written request is received from the person who received
7 care.

8 (7) Engaging in gross or repeated malpractice.

9 (b) After a hearing, and upon making a finding of
10 unprofessional conduct, the Certified Professional Midwifery
11 Council shall (i) reprimand the licensed midwife or
12 applicant, (ii) revoke the license or refuse to issue or
13 renew a license, or (iii) seek an injunction against the
14 continuation of the conduct.

15 Section 80. Penalties. A person who knowingly violates
16 any of the provisions of this Act is guilty of a Class A
17 misdemeanor.

18 Section 85. Reimbursement. A midwife licensed to
19 practice midwifery is eligible for compensation as a provider
20 under the Illinois State Medicaid program and any other third
21 party reimbursement plan, including Medicare, subject to the
22 laws of this State and applicable federal law.

23 Section 90. Advertising. A person licensed under this
24 Act may advertise the availability of professional services
25 in the public media or on the premises where such
26 professional services are rendered, provided that such
27 advertising is truthful and not misleading.

28 Section 95. Parents' rights regarding the birth of the
29 baby. Parents have a right to give birth where and with whom
30 they choose. This Act does not prohibit the attendance at

1 birth of the mother's choice of family, friends, and other
2 persons.

3 Section 100. Denial of liability. Physician liability
4 for referral or transport of a client by a licensed midwife
5 shall not begin until the client is in the physician's
6 physical care.

7 Section 105. Promulgation of rules by the Department.
8 By January 1, 2003, the Department shall promulgate rules for
9 the licensure of Certified Professional Midwives.

10 Section 900. The Regulatory Sunset Act is amended by
11 adding Section 4.23 as follows:

12 (5 ILCS 80/4.23 new)

13 Sec. 4.23. Act repealed on January 1, 2013. The
14 following Act is repealed on January 1, 2013:

15 The Certified Professional Midwife Licensure Act.

16 Section 999. Effective date. This Act takes effect upon
17 becoming law.