

ASSEMBLY, No. 5674

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED JUNE 27, 2023

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Creates "Midwifery Licensing Act; modifies regulation of midwifery.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/30/2023)

1 AN ACT concerning the regulation of midwives and revising various
2 parts of the statutory law and supplementing Title 45 of the
3 Revised Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7

8 1. (New section) This act shall be known and may be cited as
9 the “Midwifery Licensing Act.”

10

11 2. (New section) The Legislature finds and declares that:

12 a. The public interest requires the establishment of a modern
13 regulatory framework for the practice of midwifery in this State.

14 b. Midwives play a vital role in improving maternal and infant
15 health.

16 c. Research has shown that access to midwifery services
17 significantly reduces the rate of maternal and infant mortality and
18 morbidity, particularly for vulnerable communities, yet many of the
19 statutory provisions governing the practice of midwifery in the
20 State date back to the late 19th century.

21 d. Midwifery practice continues to be regulated by the State
22 Board of Medical Examiners rather than by an independent
23 midwifery licensing board.

24 e. In light of the expansion of midwifery practice and the
25 urgent need to address New Jersey’s unusually high levels of
26 maternal and infant mortality and morbidity, it is necessary to
27 establish a new regulatory framework for the practice of midwifery
28 in this State.

29

30 3. (New section) As used in P.L. , c. (C.) (pending
31 before the Legislature as this bill):

32 “Board” means the State Board of Midwives established
33 pursuant to section 4 of P.L. , c. (C.) (pending before the
34 Legislature as this bill).

35 “Certified midwife” or “CM” means a person who has been
36 certified by the American Midwifery Certification Board, or any of
37 its successors, as a certified midwife.

38 “Certified nurse midwife” or “CNM” means a registered nurse
39 who has been certified by the American Midwifery Certification
40 Board, or any of its successors, as a certified nurse midwife.

41 “Certified professional midwife” or “CPM” means a person who
42 has been certified by the North American Registry of Midwives, or
43 any of its successors.

44 “Director” means the Director of the Division of Consumer
45 Affairs in the Department of Law and Public Safety.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 “Licensee” means any person who holds a license from the board
2 to practice as a midwife.

3 “Midwife” means a person licensed by the board as a certified
4 midwife (CM), certified nurse midwife (CNM), or certified
5 professional midwife (CPM).

6 “Midwifery services” means care for childbearing persons during
7 pre-pregnancy, pregnancy, birth, and postpartum, the provision of
8 gynecological care and primary preventive reproductive care, and
9 care for newborn infants in the early weeks of life consistent with
10 the midwife’s education and certification. “Midwifery services”
11 shall also include, with respect to a certified midwife or a certified
12 nurse midwife, primary care for individuals with female
13 reproductive systems.

14

15 4. (New section) There is created in the Division of Consumer
16 Affairs in the Department of Law and Public Safety the State Board
17 of Midwifery. The board shall consist of 13 members, one of whom
18 shall be a public member appointed pursuant to the provisions of
19 subsection b. of section 2 of P.L.1971, c.60 (C.45:1-2.2) and one of
20 whom shall be a member of the Executive Branch appointed in
21 fulfillment of the requirement of subsection c. of that section; two
22 of whom shall be physicians who are certified by either the
23 American Board of Obstetrics and Gynecology, the American
24 Osteopathic Board of Obstetrics and Gynecology, or any other
25 certification organization of comparable standards; one of whom
26 shall be a physician who practices family medicine; and one of
27 whom shall be a physician who practices pediatrics. The seven
28 remaining members shall be midwives, at least one of whom shall
29 be a midwifery educator.

30 The Governor shall appoint each member, other than the State
31 executive department member, for terms of three years, except that
32 of the members first appointed, five shall serve for a term of three
33 years, four shall serve for terms of two years and three shall serve
34 for terms of one year. Any vacancy in the membership shall be
35 filled for the unexpired term in the manner provided by the original
36 appointment. No member of the board shall serve for more than
37 two successive terms in addition to any unexpired term to which the
38 member has been appointed. The Governor may remove any
39 member of the board, other than the State executive department
40 member who, pursuant to subsection c. of section 2 of P.L.1971,
41 c.60 (C.45:1-2.2), serves at the pleasure of the Governor, for cause.

42

43 5. (New section) Notwithstanding any law, rule, or regulation
44 to the contrary, the members of the board shall serve without
45 compensation and shall not be entitled to receive any pension or
46 health benefits based upon their service as a board member but,
47 pursuant to section 2 of P.L.1977, c.285 (C.45:1-2.5), shall be

1 reimbursed for expenses and provided with office and meeting
2 facilities.

3

4 6. (New section) a. The board shall organize within 30 days
5 after the appointment of its members and shall annually elect from
6 among its members a chairperson and vice-chairperson.

7 b. The chairperson shall preside at all board meetings and
8 perform all duties prescribed by law or board regulations. The vice-
9 chairperson shall preside if the chairperson is absent or temporarily
10 unable to discharge the duties of the chairperson, or the position of
11 chairperson becomes vacant. The board shall meet at least once
12 every three months in-person, or through remote technologies, and
13 may hold additional meetings as necessary to discharge its duties.
14 A majority of the board membership shall constitute a quorum. The
15 minutes of meetings, upon approval of the board, shall constitute
16 the official records of board meetings.

17 c. The board shall promulgate rules and regulations pursuant to
18 the "Administrative Procedures Act," P.L.1968, c.410 (C.52:14B-1
19 et seq.) to effectuate the purposes of P.L. , c. (C.) (pending
20 before the Legislature as this bill). The provisions of P.L. , c.
21 (C.) (pending before the Legislature as this bill), except for
22 sections 4, 5, and 6 and subsection i. of section 7, shall remain
23 inoperative until the first day of the sixth month next following the
24 promulgation by the board of the rules and regulations.

25

26 7. (New meeting) The board shall:

27 a. establish and review the qualifications of applicants for
28 licensure;

29 b. recognize accrediting entities for midwifery programs;

30 c. recognize national certification entities which certify
31 individuals to practice as certified midwives, certified nurse
32 midwives, and certified professional midwives;

33 d. issue and renew, on a biennial basis, licenses for midwives;

34 e. refuse to issue an initial license or suspend, revoke, or fail to
35 renew a license of a midwife pursuant to P.L.1978, c.73 (C.45:1-14
36 et seq.);

37 f. enforce provisions of P.L. , c. (C.) (pending before
38 the Legislature as this bill), including, but not limited to, through
39 the issuance of penalties pursuant to section 9 of P.L.1978, c.73
40 (C.45:1-22);

41 g. maintain a record of each board licensee to include, but not
42 be limited to, information regarding the place of business, place of
43 residence, the issuance date of the license, the license number, and
44 type of certification obtained by the licensee, and publish a list,
45 which may be online, of the names and business addresses of all
46 licensees annually;

- 1 h. establish continuing education requirements for licensees,
2 pursuant to section 11 of P.L. , c. (C.) (pending before the
3 Legislature as this bill);
- 4 i. prescribe and change the fees for initial licensure, licensure
5 renewals, reactivations, and reinstatements, and other services the
6 board deems necessary to provide, including services performed
7 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.);
- 8 j. adopt and promulgate rules and regulations pursuant to the
9 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
10 seq.) to effectuate the purposes of P.L. , c. (C.) (pending
11 before the Legislature as this bill); and
- 12 k. perform other duties as deemed necessary by the board to
13 effectuate the purposes of P.L. , c. (C.) (pending before the
14 Legislature as this bill).
- 15
- 16 8. (New section) a. An individual shall not provide midwifery
17 services unless licensed pursuant to P.L. , c. (C.) (pending
18 before the Legislature as this bill), except that nothing in P.L. , c.
19 (C.) (pending before the Legislature as this bill) shall be
20 construed to prohibit:
- 21 (1) an individual licensed to practice pursuant to Title 45 of the
22 Revised Statutes from engaging in the practice or teaching for
23 which that person is licensed, regulated, or certified; or
- 24 (2) students enrolled in a midwifery program, or any other health
25 care educational program, from performing midwifery services as
26 part of a course of study.
- 27 b. An individual licensed as a certified midwife or certified nurse
28 midwife may provide midwifery services and any other related
29 services for which the board, by rule and regulation, established
30 education and experiential requirements.
- 31 c. Pursuant to written guidelines established with a certified
32 midwife or a certified nurse midwife, or with a physician, advanced
33 practice nurse, or physician assistant specializing in obstetrics, an
34 individual licensed as a certified professional midwife may provide
35 midwifery services and any other related services for which the
36 board, by rule and regulation, established education and experiential
37 requirements, provided that the written guidelines shall not be
38 applicable to an individual licensed as a certified professional
39 midwife who provides services at a birthing center licensed
40 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or an acute care
41 hospital.
- 42 d. An individual licensed as a certified professional midwife, or
43 as a certified midwife or certified nurse midwife who is not
44 authorized to prescribe drugs pursuant to section 19 of P.L. , c.
45 (C.) (pending before the Legislature as this bill), shall not
46 administer or dispense drugs unless the administration or
47 dispensation is authorized by a standing order issued to the midwife
48 by a physician, advanced practice nurse, or physician assistant, or

1 by a certified midwife or certified nurse midwife who is authorized
2 to prescribe drugs pursuant to section 19 of P.L. , c. (C.)
3 (pending before the Legislature as this bill). A physician, advanced
4 practice nurse, or physician assistant who issues a standing order to
5 a midwife pursuant to this subsection shall specialize in obstetrics
6 and gynecology.

7
8 9. (New section) To be eligible for licensure as a midwife, an
9 applicant shall be at least 18 years of age and submit:

- 10 a. a completed application, in a form and manner as determined
11 by the board;
- 12 b. an official transcript demonstrating successful completion of
13 a midwifery program accredited by an entity identified and
14 recognized by the board;
- 15 c. a copy of certification from a national certifying entity
16 recognized by the board;
- 17 d. payment of fees, as required by the board; and
- 18 e. any other information deemed necessary, as determined by
19 the board.

20
21 10. (New section) An individual licensed as a midwife shall
22 maintain professional liability insurance coverage, at appropriate
23 amounts to be determined by the board.

24
25 11. (New section) a. The board shall require each individual
26 licensed as a midwife, pursuant to section 7 of P.L. , c. (C.)
27 (pending before the Legislature as this bill), to complete continuing
28 education requirements.

29 b. The board shall establish standards for continuing midwifery
30 education, including the number of credits; the subject matter and
31 content of courses of study; competency assessments; and the type
32 of continuing education credits required of a midwife as a condition
33 of licensure renewal. At least one credit shall consist of training
34 from an educational program concerning explicit and implicit bias,
35 of which the program shall meet the requirements set forth at
36 subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-12.108).

37 c. (1) The board may, in its discretion, waive requirements for
38 continuing education for a licensee if the licensee can demonstrate a
39 hardship, including, but not limited to, a disability, military service
40 or deployment, or other good cause.

41 (2) If a licensee completes continuing education credit hours in
42 excess of the number required for licensure renewal, the board may
43 allow credits to be carried over to satisfy the continuing education
44 requirement of the licensee for the next biennial renewal period, but
45 any excess credits shall not be applied to a biennial renewal period
46 thereafter.

1 12. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read
2 as follows:

3 1. The provisions of this act shall apply to the following boards
4 and commissions: the New Jersey State Board of Accountancy, the
5 New Jersey State Board of Architects, the New Jersey State Board
6 of Cosmetology and Hairstyling, the Board of Examiners of
7 Electrical Contractors, the New Jersey State Board of Dentistry, the
8 State Board of Mortuary Science of New Jersey, the State Board of
9 Professional Engineers and Land Surveyors, the State Board of
10 Marriage and Family Therapy Examiners, the State Board of
11 Medical Examiners, the New Jersey Board of Nursing, the New
12 Jersey State Board of Optometrists, the State Board of Examiners of
13 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
14 Pharmacy, the State Board of Professional Planners, the State Board
15 of Psychological Examiners, the State Board of Examiners of
16 Master Plumbers, the New Jersey Real Estate Commission, the
17 State Board of Court Reporting, the State Board of Veterinary
18 Medical Examiners, the Radiologic Technology Board of
19 Examiners, the Acupuncture Examining Board, the State Board of
20 Chiropractic Examiners, the State Board of Respiratory Care, the
21 State Real Estate Appraiser Board, the State Board of Social Work
22 Examiners, the State Board of Examiners of Heating, Ventilating,
23 Air Conditioning and Refrigeration Contractors, the Elevator,
24 Escalator, and Moving Walkway Mechanics Licensing Board, the
25 State Board of Physical Therapy Examiners, the Orthotics and
26 Prosthetics Board of Examiners, the New Jersey Cemetery Board,
27 the State Board of Polysomnography, the New Jersey Board of
28 Massage and Bodywork Therapy, the Genetic Counseling Advisory
29 Committee, the State Board of Dietetics and Nutrition, the State
30 Board of Midwifery, and any other entity hereafter created under
31 Title 45 to license or otherwise regulate a profession or occupation.
32 (cf: P.L.2019, c.331, s.16)

33

34 13. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read
35 as follows:

36 1. The provisions of this act shall apply to the following boards
37 and commissions: the New Jersey State Board of Accountancy, the
38 New Jersey State Board of Architects, the New Jersey State Board
39 of Cosmetology and Hairstyling, the Board of Examiners of
40 Electrical Contractors, the New Jersey State Board of Dentistry, the
41 State Board of Mortuary Science of New Jersey, the State Board of
42 Professional Engineers and Land Surveyors, the State Board of
43 Marriage and Family Therapy Examiners, the State Board of
44 Medical Examiners, the New Jersey Board of Nursing, the New
45 Jersey State Board of Optometrists, the State Board of Examiners of
46 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of
47 Pharmacy, the State Board of Professional Planners, the State Board
48 of Psychological Examiners, the State Board of Examiners of

1 Master Plumbers, the State Board of Court Reporting, the State
2 Board of Veterinary Medical Examiners, the Radiologic
3 Technology Board of Examiners, the Acupuncture Examining
4 Board, the State Board of Chiropractic Examiners, the State Board
5 of Respiratory Care, the State Real Estate Appraiser Board, the New
6 Jersey Cemetery Board, the State Board of Social Work Examiners,
7 the State Board of Examiners of Heating, Ventilating, Air
8 Conditioning and Refrigeration Contractors, the Elevator, Escalator,
9 and Moving Walkway Mechanics Licensing Board, the State Board
10 of Physical Therapy Examiners, the State Board of
11 Polysomnography, the Orthotics and Prosthetics Board of
12 Examiners, the New Jersey Board of Massage and Bodywork
13 Therapy, the Genetic Counseling Advisory Committee, the State
14 Board of Dietetics and Nutrition, the State Board of Midwifery, and
15 any other entity hereafter created under Title 45 to license or
16 otherwise regulate a profession or occupation.

17 (cf: P.L.2019, c.331, s.17)

18

19 14. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read
20 as follows:

21 2. The provisions of this act shall apply to the following boards
22 and all professions or occupations regulated by, through or with the
23 advice of those boards: the New Jersey State Board of
24 Accountancy, the New Jersey State Board of Architects, the New
25 Jersey State Board of Cosmetology and Hairstyling, the Board of
26 Examiners of Electrical Contractors, the New Jersey State Board of
27 Dentistry, the State Board of Mortuary Science of New Jersey, the
28 State Board of Professional Engineers and Land Surveyors, the
29 State Board of Marriage and Family Therapy Examiners, the State
30 Board of Medical Examiners, the New Jersey Board of Nursing, the
31 New Jersey State Board of Optometrists, the State Board of
32 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
33 the Board of Pharmacy, the State Board of Professional Planners,
34 the State Board of Psychological Examiners, the State Board of
35 Examiners of Master Plumbers, the State Board of Court Reporting,
36 the State Board of Veterinary Medical Examiners, the State Board
37 of Chiropractic Examiners, the State Board of Respiratory Care, the
38 State Real Estate Appraiser Board, the State Board of Social Work
39 Examiners, the State Board of Examiners of Heating, Ventilating,
40 Air Conditioning and Refrigeration Contractors, the Elevator,
41 Escalator, and Moving Walkway Mechanics Licensing Board, the
42 State Board of Physical Therapy Examiners, the State Board of
43 Polysomnography, the Professional Counselor Examiners
44 Committee, the New Jersey Cemetery Board, the Orthotics and
45 Prosthetics Board of Examiners, the Occupational Therapy
46 Advisory Council, the Electrologists Advisory Committee, the
47 Acupuncture Advisory Committee, the Alcohol and Drug Counselor
48 Committee, the Athletic Training Advisory Committee, the

1 Certified Psychoanalysts Advisory Committee, the Fire Alarm,
2 Burglar Alarm, and Locksmith Advisory Committee, the Home
3 Inspection Advisory Committee, the Interior Design Examination
4 and Evaluation Committee, the Hearing Aid Dispensers Examining
5 Committee, the Perfusionists Advisory Committee, the Physician
6 Assistant Advisory Committee, the Audiology and Speech-
7 Language Pathology Advisory Committee, the New Jersey Board of
8 Massage and Bodywork Therapy, the Genetic Counseling Advisory
9 Committee, the State Board of Dietetics and Nutrition, the State
10 Board of Midwifery, and any other entity hereafter created under
11 Title 45 to license or otherwise regulate a profession or occupation.
12 (cf: P.L.2019, c.331, s.19)

13

14 15. Section 1 of P.L.2002, c.104 (C.45:1-28) is amended to read
15 as follows:

16 1. As used in this act:

17 “Applicant” means an applicant for the licensure or other
18 authorization to engage in a health care profession.

19 “Board” means a professional and occupational licensing board
20 within the Division of Consumer Affairs in the Department of Law
21 and Public Safety.

22 “Director” means the Director of the Division of Consumer
23 Affairs in the Department of Law and Public Safety.

24 “Division” means the Division of Consumer Affairs in the
25 Department of Law and Public Safety.

26 “Health care professional” means a health care professional who
27 is licensed or otherwise authorized, pursuant to Title 45 or Title 52
28 of the Revised Statutes, to practice a health care profession that is
29 regulated by one of the following boards or by the Director of the
30 Division of Consumer Affairs: the State Board of Medical
31 Examiners, the New Jersey Board of Nursing, the New Jersey State
32 Board of Dentistry, the New Jersey State Board of Optometrists, the
33 New Jersey State Board of Pharmacy, the State Board of
34 Chiropractic Examiners, the Acupuncture Examining Board, the
35 State Board of Physical Therapy, the State Board of Respiratory
36 Care, the Orthotics and Prosthetics Board of Examiners, the State
37 Board of Psychological Examiners, the State Board of Social Work
38 Examiners, the State Board of Veterinary Medical Examiners, the
39 State Board of Examiners of Ophthalmic Dispensers and
40 Ophthalmic Technicians, the Audiology and Speech-Language
41 Pathology Advisory Committee, the State Board of Marriage and
42 Family Therapy Examiners, the Occupational Therapy Advisory
43 Council, the Certified Psychoanalysts Advisory Committee, the
44 State Board of Midwifery, or the State Board of Polysomnography.

45 Health care professional shall not include a nurse aide or
46 personal care assistant who is required to undergo a criminal history
47 record background check pursuant to section 2 of P.L.1997, c.100
48 (C.26:2H-83) or a homemaker-home health aide who is required to

1 undergo a criminal history record background check pursuant to
2 section 7 of P.L.1997, c.100 (C.45:11-24.3).

3 “Licensee” means an individual who has been issued a license or
4 other authorization to practice a health care profession.
5 (cf: P.L.2005, c.244, s.17)

6
7 16. Section 9 of P.L.2005, c.83 (C.45:1-34) is amended to read
8 as follows:

9 9. As used in sections 9 through 14 and 16 and 17 of P.L.2005,
10 c.83 (C.45:1-34 through C.45:1-39 and C.26:2H-12.2d and C.45:1-
11 40):

12 “Board” means a professional and occupational licensing board
13 within the Division of Consumer Affairs in the Department of Law
14 and Public Safety which licenses or otherwise authorizes a health
15 care professional to practice a health care profession.

16 “Division” means the Division of Consumer Affairs in the
17 Department of Law and Public Safety;

18 “Health care entity” means a health care facility licensed
19 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a health
20 maintenance organization authorized to operate pursuant to
21 P.L.1973, c.337 (C.26:2J-1 et seq.), a carrier which offers a
22 managed care plan regulated pursuant to P.L.1997, c.192 (C.26:2S-
23 1 et seq.), a State or county psychiatric hospital, a State
24 developmental center, a staffing registry, and a home care services
25 agency as defined in section 1 of P.L.1947, c.262 (C.45:11-23).

26 “Health care professional” means a person licensed or otherwise
27 authorized pursuant to Title 45 or Title 52 of the Revised Statutes to
28 practice a health care profession that is regulated by the Director of
29 the Division of Consumer Affairs or by one of the following boards:
30 the State Board of Medical Examiners, the New Jersey Board of
31 Nursing, the New Jersey State Board of Dentistry, the New Jersey
32 State Board of Optometrists, the New Jersey State Board of
33 Pharmacy, the State Board of Chiropractic Examiners, the
34 Acupuncture Examining Board, the State Board of Physical
35 Therapy, the State Board of Respiratory Care, the Orthotics and
36 Prosthetics Board of Examiners, the State Board of Psychological
37 Examiners, the State Board of Social Work Examiners, the State
38 Board of Veterinary Medical Examiners, the State Board of
39 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,
40 the Audiology and Speech-Language Pathology Advisory
41 Committee, the State Board of Marriage and Family Therapy
42 Examiners, the Occupational Therapy Advisory Council, the State
43 Board of Midwifery, and the Certified Psychoanalysts Advisory
44 Committee.

45 “Licensee” means an individual who has been issued a license or
46 other authorization to practice a health care profession.

1 “Review panel” means the Medical Practitioner Review Panel
2 established pursuant to section 8 of P.L.1989, c.300 (C.45:9-19.8).
3 (cf: P.L.2005, c.83, s.9)

4
5 17. R.S.45:9-1 is amended to read as follows:

6 45:9-1. The State Board of Medical Examiners, hereinafter in
7 this chapter designated as the “board” shall consist of 21 members,
8 one of whom shall be the Commissioner of Health, or the
9 commissioner’s designee, three of whom shall be public members
10 and one an executive department designee as required pursuant to
11 section 2 of P.L.1971, c.60 (C.45:1-2.2), and 16 of whom shall be
12 persons of recognized professional ability and honor, and shall
13 possess a license to practice their respective professions in New
14 Jersey, and all of whom shall be appointed by the Governor in
15 accordance with the provisions of section 2 of P.L.1971, c.60
16 (C.45:1-2.2); provided, however, that said board shall consist of 12
17 graduates of schools of medicine or osteopathic medicine who shall
18 possess the degree of M.D. or D.O. The number of osteopathic
19 physicians on the board shall be a minimum of, but not limited to,
20 two members. In addition the membership of said board shall
21 comprise: one podiatric physician who does not possess a license to
22 practice in any other health care profession regulated under Title 45
23 of the Revised Statutes; one physician assistant; **one certified**
24 **nurse midwife;** and one licensed bio-analytical laboratory director,
25 who may or may not be the holder of a degree of M.D. The term of
26 office of members of the board hereafter appointed shall be three
27 years or until their successors are appointed. A member is eligible
28 for reappointment for one additional term of office, but no member
29 shall serve more than two consecutive terms of office. Said
30 appointees shall, within 30 days after receipt of their respective
31 commissions, take and subscribe the oath or affirmation prescribed
32 by law and file the same in the office of the Secretary of State.
33 (cf: P.L.2013, c.253, s.35)

34
35 18. Section 1 of P.L.1991, c.97 (C.45:10-17) is amended to read
36 as follows:

37 1. As used in this act:

38 “Board” means the State Board of **Medical Examiners]**
39 Midwifery.

40 “Certified midwife” means a certified midwife licensed by the
41 board.

42 “Certified nurse midwife” means a certified nurse midwife
43 **[registered with]** licensed by the board.

44 “Drug” means drugs, medicine and devices, as determined by the
45 board.

46 (cf: P.L.1991, c.97, s.1)

1 19. Section 2 of P.L.1991, c.97 (C.45:10-18) is amended to read
2 as follows:

3 2. A certified nurse midwife or certified midwife who meets
4 the qualifications pursuant to section 3 of this act may prescribe,
5 order, dispense and administer drugs **【**, as delineated in standing
6 orders and practice protocols developed in agreement between a
7 certified nurse midwife and a collaborative physician. The practice
8 protocols shall be established in accordance with standards adopted
9 by the board**】** and medical devices, including controlled dangerous
10 substances, consistent with the education and certification of a
11 certified nurse midwife or certified midwife, and in accordance with
12 applicable law.

13 (cf: P.L.1991, c.97, s.2)

14

15 20. Section 3 of P.L.1991, c.97 (C.45:10-19) is amended to read
16 as follows:

17 3. To qualify to prescribe drugs pursuant to section 2 of
18 P.L.1991, c.97 (C.45:10-18), a certified midwife or a certified nurse
19 midwife shall have completed 30 contact hours, as defined by the
20 National Task Force on the Continuing Education Unit, in
21 pharmacology or a pharmacology course, acceptable to the board, in
22 an accredited institution of higher education approved by the
23 Department of Higher Education or the board.

24 (cf: P.L.2017, c.28, s.14)

25

26 21. Section 4 of P.L.1991, c.97 (C.45:10-20) is amended to read
27 as follows:

28 4. A certified midwife or certified nurse midwife shall apply on
29 a form prescribed by the board to obtain the authority to prescribe
30 drugs pursuant to section 2 of this act and shall present evidence
31 acceptable to the board of meeting the requirements of section 3 of
32 **【this act】** P.L.1991, c.97 (C.45:10-19).

33 (cf: P.L.1991, c.97, s.4)

34

35 22. Section 5 of P.L.1991, c.97 (C.45:10-21) is amended to read
36 as follows:

37 5. If the board determines that a certified midwife or a certified
38 nurse midwife who is permitted to prescribe drugs pursuant to this
39 act has violated any provisions of this act or any provision of a
40 regulation pertaining to certified midwives or certified nurse
41 midwives or violated any State or federal law or regulation
42 applicable to the prescription of drugs, the board shall prohibit that
43 certified midwife or certified nurse midwife from prescribing any
44 drugs.

45 (cf: P.L.1991, c.97, s.5)

46

47 23. (New section) a. Any person who is licensed as a certified
48 midwife, certified nurse midwife, or certified professional midwife,

1 pursuant to R.S.45:10-6, on the effective date of P.L. , c. (C.)
2 (pending before the Legislature as this bill) shall be licensed at the
3 same level under and subject to the provisions of P.L. , c. (C.)
4 (pending before the Legislature as this bill).

5 b. Any certified nurse midwife who is authorized to prescribe
6 drugs pursuant to section 4 of P.L.1991, c.97 (C.45:10-20) on the
7 effective date of P.L. , c. (C.) (pending before the
8 Legislature as this bill) shall be authorized to prescribe drugs under
9 and subject to the provisions of P.L. , c. (C.) (pending
10 before the Legislature as this bill).

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12 24. R.S.45:10-1 through R.S.45:10-8 and R.S.45:10-16 are
13 repealed.

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15 25. This act shall take effect immediately but remain
16 inoperative, except for sections 4, 5, and 6 and subsection j. of
17 section 7, until such time as provided in section 6. The director and
18 the board may take such anticipatory administrative action in
19 advance thereof as shall be necessary for implementation of
20 P.L. , c. (C.) (pending before the Legislature as this bill).

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STATEMENT

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25 This bill modifies current law regulating midwives. Specifically,
26 the bill repeals the current law requiring approval for licensure of
27 midwives by the State Board of Medical Examiners and establishes
28 a State Board of Midwifery. Under the bill, a board of thirteen
29 members is created to oversee the licensure of certified midwives
30 (CMs), certified nurse midwives (CNMs), and certified professional
31 midwives (CPMs).

32 The bill:

33 1) delineates the responsibilities of the board, which include the
34 approval of licensure applications; recognition of entities
35 accrediting midwifery certification programs and national entities
36 issuing the certifications;

37 2) establishes continuing education requirements;

38 3) requires applicants to meet certain standards to qualify for a
39 license; and

40 4) authorizes the State Board of Midwifery to grant individuals
41 currently licensed as a CM, CNM, or CPM by the State Board of
42 Medical Examiners a license at that same level.

43 The bill also updates current law authorizing CMs and CNMs to
44 prescribe certain drugs by, among other items, expanding the
45 services a CM and CNM can provide to include ordering,
46 dispensing and administering prescription drugs and medical
47 devices.