

[First Reprint]

**ASSEMBLY, No. 5674**

---

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

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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 reported by the Assembly Regulated Professions Committee on December 11, 2023, with amendments.



**(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) <sup>1</sup>**[This act]** P.L. , c. (C. ) (pending  
9 before the Legislature as this bill)<sup>1</sup> shall be known and may be cited  
10 as the “Midwifery Licensing Act.”

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

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

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

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

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

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

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

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

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

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

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

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ARP committee amendments adopted December 11, 2023.

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

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

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

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

16  
17      4. (New section) There is created in the Division of Consumer  
18      Affairs in the Department of Law and Public Safety the State Board  
19      of Midwifery. The board shall consist of <sup>1</sup>~~13~~ 11<sup>1</sup> members, one  
20      of whom shall be a public member appointed pursuant to the  
21      provisions of subsection b. of section 2 of P.L.1971, c.60 (C.45:1-  
22      2.2) and one of whom shall be a member of the Executive Branch  
23      appointed in fulfillment of the requirement of subsection c. of that  
24      section; <sup>1</sup>~~two~~ one<sup>1</sup> of whom shall be <sup>1</sup>~~physicians~~ a physician<sup>1</sup>  
25      who <sup>1</sup>~~are~~ is<sup>1</sup> certified by either the American Board of Obstetrics  
26      and Gynecology, the American Osteopathic Board of Obstetrics and  
27      Gynecology, or any other certification organization of comparable  
28      standards<sup>1</sup>, or<sup>1</sup> one of whom shall be a physician who practices  
29      family medicine; and one of whom shall be a physician who  
30      practices pediatrics. The seven remaining members shall be  
31      midwives, at least one of whom shall be a midwifery educator.

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

44  
45      5. (New section) Notwithstanding any law, rule, or regulation  
46      to the contrary, the members of the board shall serve without  
47      compensation and shall not be entitled to receive any pension or  
48      health benefits based upon their service as a board member but,

1 pursuant to section 2 of P.L.1977, c.285 (C.45:1-2.5), shall be  
2 reimbursed for expenses and provided with office and meeting  
3 facilities.

4

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

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

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

27

28 7. <sup>1</sup>【(New meeting)】 (New section)<sup>1</sup> The board shall:

29 a. establish and review the qualifications of applicants for  
30 licensure;

31 b. recognize accrediting entities for midwifery programs;

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

35 d. issue and renew, on a <sup>1</sup>【biennial】 triennial<sup>1</sup> basis, licenses  
36 for midwives;

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

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

44 g. maintain a record of each board licensee to include, but not  
45 be limited to, information regarding the place of business, place of  
46 residence, the issuance date of the license, the license number, and  
47 type of certification obtained by the licensee, and publish a list,

1 which may be online, of the names and business addresses of all  
2 licensees annually;

3 h. <sup>1</sup>~~establish~~ review<sup>1</sup> continuing education <sup>1</sup>~~requirements~~  
4 ~~for~~ hours completed by<sup>1</sup> licensees <sup>1</sup>as the board deems  
5 appropriate<sup>1</sup>, pursuant to section 11 of P.L. , c. (C. )  
6 (pending before the Legislature as this bill);

7 i. prescribe and change the fees for initial licensure, licensure  
8 renewals, reactivations, and reinstatements, and other services the  
9 board deems necessary to provide, including services performed  
10 pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.);

11 j. adopt and promulgate rules and regulations pursuant to the  
12 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et  
13 seq.) to effectuate the purposes of P.L. , c. (C. ) (pending  
14 before the Legislature as this bill); and

15 k. perform other duties as deemed necessary by the board to  
16 effectuate the purposes of P.L. , c. (C. ) (pending before the  
17 Legislature as this bill).

18

19 8. (New section) a. An individual shall not provide midwifery  
20 services unless licensed pursuant to P.L. , c. (C. ) (pending  
21 before the Legislature as this bill), except that nothing in P.L. , c.  
22 (C. ) (pending before the Legislature as this bill) shall be  
23 construed to prohibit:

24 (1) an individual licensed to practice pursuant to Title 45 of the  
25 Revised Statutes from engaging in the practice or teaching for  
26 which that person is licensed, regulated, or certified; or

27 (2) students enrolled in a midwifery program, or any other health  
28 care educational program, from performing midwifery services as  
29 part of a course of study.

30 b. An individual licensed as a certified midwife or certified nurse  
31 midwife may provide midwifery services and any other related  
32 services for which the board, by rule and regulation, established  
33 education and experiential requirements.

34 c. <sup>1</sup>~~Pursuant to written guidelines established with a certified~~  
35 ~~midwife or a certified nurse midwife, or with a physician, advanced~~  
36 ~~practice nurse, or physician assistant specializing in obstetrics, an~~  
37 An<sup>1</sup> individual licensed as a certified professional midwife may  
38 provide midwifery services and any other related services for which  
39 the board, by rule and regulation, established education and  
40 experiential requirements<sup>1</sup>, provided that the written guidelines  
41 shall not be applicable to an individual licensed as a certified  
42 professional midwife who provides services at a birthing center  
43 licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.) or an acute  
44 care hospital] and to the full scope of the credential of the  
45 individual<sup>1</sup>.

46 <sup>1</sup>~~d. An individual licensed as a certified professional midwife,~~  
47 ~~or as a certified midwife or certified nurse midwife who is not~~

1 authorized to prescribe drugs pursuant to section 19 of P.L. , c.  
2 (C. ) (pending before the Legislature as this bill), shall not  
3 administer or dispense drugs unless the administration or  
4 dispensation is authorized by a standing order issued to the midwife  
5 by a physician, advanced practice nurse, or physician assistant, or  
6 by a certified midwife or certified nurse midwife who is authorized  
7 to prescribe drugs pursuant to section 19 of P.L. , c. (C. )  
8 (pending before the Legislature as this bill). A physician, advanced  
9 practice nurse, or physician assistant who issues a standing order to  
10 a midwife pursuant to this subsection shall specialize in obstetrics  
11 and gynecology.】<sup>1</sup>

12  
13 9. (New section) To be eligible for licensure as a midwife, an  
14 applicant shall be at least 18 years of age and submit:

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

25  
26 10. (New section) <sup>1</sup>a.<sup>1</sup> An individual licensed as a midwife shall  
27 maintain professional liability insurance coverage, at appropriate  
28 amounts to be determined by the board.

29 <sup>1</sup>b. The Department of Banking and Insurance shall require  
30 medical malpractice insurance providers authorized to provide  
31 insurance in the State to provide coverage for certified professional  
32 midwives.

33 c. A carrier that offers a health benefits plan in this State shall  
34 ensure that the plan provides coverage for home births for  
35 individuals medically cleared for home births at no additional cost  
36 to the covered individual. As used in this section, “carrier” means  
37 an insurance company, health service corporation, hospital service  
38 corporation, medical service corporation, or health maintenance  
39 organization authorized to issue health benefits plans in this State,  
40 and shall include the State Health Benefits Program and the School  
41 Employees' Health Benefits Program.<sup>1</sup>

42  
43 11. (New section) a. The board shall require each individual  
44 licensed as a midwife, pursuant to section 7 of P.L. , c. (C. )  
45 (pending before the Legislature as this bill), to complete continuing  
46 education requirements <sup>1</sup>in accordance with the respective  
47 credentialing body for each level of certification, which is to  
48 include training from an educational program in explicit and

1 implicit bias as required pursuant to subsection b. of section 1 of  
2 P.L.1991, c.97 (C.26:2H-12.108)<sup>1</sup>.

3 b. <sup>1</sup>~~["~~The board shall establish standards for continuing  
4 midwifery education, including the number of credits; the subject  
5 matter and content of courses of study; competency assessments;  
6 and the type of continuing education credits required of a midwife  
7 as a condition of licensure renewal. At least one credit shall consist  
8 of training from an educational program concerning explicit and  
9 implicit bias, of which the program shall meet the requirements set  
10 forth at subsection b. of section 1 of P.L.2021, c.79 (C.26:2H-  
11 12.108).

12 c.~~"]~~<sup>1</sup> (1) The board may, in its discretion, waive requirements for  
13 continuing education for a licensee if the licensee can demonstrate a  
14 hardship, including, but not limited to, a disability, military service  
15 or deployment, or other good cause.

16 (2) If a licensee completes continuing education credit hours in  
17 excess of the number required for licensure renewal, the board may  
18 allow credits to be carried over to satisfy the continuing education  
19 requirement of the licensee for the next <sup>1</sup>~~["biennial"]~~ triennial<sup>1</sup>  
20 renewal period, but any excess credits shall not be applied to a  
21 <sup>1</sup>~~["biennial"]~~ triennial<sup>1</sup> renewal period thereafter.

22  
23 12. Section 1 of P.L.1971, c.60 (C.45:1-2.1) is amended to read  
24 as follows:

25 1. The provisions of this act shall apply to the following boards  
26 and commissions: the New Jersey State Board of Accountancy, the  
27 New Jersey State Board of Architects, the New Jersey State Board  
28 of Cosmetology and Hairstyling, the Board of Examiners of  
29 Electrical Contractors, the New Jersey State Board of Dentistry, the  
30 State Board of Mortuary Science of New Jersey, the State Board of  
31 Professional Engineers and Land Surveyors, the State Board of  
32 Marriage and Family Therapy Examiners, the State Board of  
33 Medical Examiners, the New Jersey Board of Nursing, the New  
34 Jersey State Board of Optometrists, the State Board of Examiners of  
35 Ophthalmic Dispensers and Ophthalmic Technicians, the Board of  
36 Pharmacy, the State Board of Professional Planners, the State Board  
37 of Psychological Examiners, the State Board of Examiners of  
38 Master Plumbers, the New Jersey Real Estate Commission, the  
39 State Board of Court Reporting, the State Board of Veterinary  
40 Medical Examiners, the Radiologic Technology Board of  
41 Examiners, the Acupuncture Examining Board, the State Board of  
42 Chiropractic Examiners, the State Board of Respiratory Care, the  
43 State Real Estate Appraiser Board, the State Board of Social Work  
44 Examiners, the State Board of Examiners of Heating, Ventilating,  
45 Air Conditioning and Refrigeration Contractors, the Elevator,  
46 Escalator, and Moving Walkway Mechanics Licensing Board, the  
47 State Board of Physical Therapy Examiners, the Orthotics and  
48 Prosthetics Board of Examiners, the New Jersey Cemetery Board,

1 the State Board of Polysomnography, the New Jersey Board of  
2 Massage and Bodywork Therapy, the Genetic Counseling Advisory  
3 Committee, the State Board of Dietetics and Nutrition, the State  
4 Board of Midwifery, and any other entity hereafter created under  
5 Title 45 to license or otherwise regulate a profession or occupation.  
6 (cf: P.L.2019, c.331, s.16)

7  
8 13. Section 1 of P.L.1974, c.46 (C.45:1-3.1) is amended to read  
9 as follows:

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

40  
41 14. Section 2 of P.L.1978, c.73 (C.45:1-15) is amended to read  
42 as follows:

43 2. The provisions of this act shall apply to the following boards  
44 and all professions or occupations regulated by, through or with the  
45 advice of those boards: the New Jersey State Board of  
46 Accountancy, the New Jersey State Board of Architects, the New  
47 Jersey State Board of Cosmetology and Hairstyling, the Board of  
48 Examiners of Electrical Contractors, the New Jersey State Board of



1 Dentistry, the State Board of Mortuary Science of New Jersey, the  
2 State Board of Professional Engineers and Land Surveyors, the  
3 State Board of Marriage and Family Therapy Examiners, the State  
4 Board of Medical Examiners, the New Jersey Board of Nursing, the  
5 New Jersey State Board of Optometrists, the State Board of  
6 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
7 the Board of Pharmacy, the State Board of Professional Planners,  
8 the State Board of Psychological Examiners, the State Board of  
9 Examiners of Master Plumbers, the State Board of Court Reporting,  
10 the State Board of Veterinary Medical Examiners, the State Board  
11 of Chiropractic Examiners, the State Board of Respiratory Care, the  
12 State Real Estate Appraiser Board, the State Board of Social Work  
13 Examiners, the State Board of Examiners of Heating, Ventilating,  
14 Air Conditioning and Refrigeration Contractors, the Elevator,  
15 Escalator, and Moving Walkway Mechanics Licensing Board, the  
16 State Board of Physical Therapy Examiners, the State Board of  
17 Polysomnography, the Professional Counselor Examiners  
18 Committee, the New Jersey Cemetery Board, the Orthotics and  
19 Prosthetics Board of Examiners, the Occupational Therapy  
20 Advisory Council, the Electrologists Advisory Committee, the  
21 Acupuncture Advisory Committee, the Alcohol and Drug Counselor  
22 Committee, the Athletic Training Advisory Committee, the  
23 Certified Psychoanalysts Advisory Committee, the Fire Alarm,  
24 Burglar Alarm, and Locksmith Advisory Committee, the Home  
25 Inspection Advisory Committee, the Interior Design Examination  
26 and Evaluation Committee, the Hearing Aid Dispensers Examining  
27 Committee, the Perfusionists Advisory Committee, the Physician  
28 Assistant Advisory Committee, the Audiology and Speech-  
29 Language Pathology Advisory Committee, the New Jersey Board of  
30 Massage and Bodywork Therapy, the Genetic Counseling Advisory  
31 Committee, the State Board of Dietetics and Nutrition, the State  
32 Board of Midwifery, and any other entity hereafter created under  
33 Title 45 to license or otherwise regulate a profession or occupation.  
34 (cf: P.L.2019, c.331, s.19)

35  
36 15. Section 1 of P.L.2002, c.104 (C.45:1-28) is amended to read  
37 as follows:

38 1. As used in this act:

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

41 “Board” means a professional and occupational licensing board  
42 within the Division of Consumer Affairs in the Department of Law  
43 and Public Safety.

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

46 “Division” means the Division of Consumer Affairs in the  
47 Department of Law and Public Safety.

1 “Health care professional” means a health care professional who  
2 is licensed or otherwise authorized, pursuant to Title 45 or Title 52  
3 of the Revised Statutes, to practice a health care profession that is  
4 regulated by one of the following boards or by the Director of the  
5 Division of Consumer Affairs: the State Board of Medical  
6 Examiners, the New Jersey Board of Nursing, the New Jersey State  
7 Board of Dentistry, the New Jersey State Board of Optometrists, the  
8 New Jersey State Board of Pharmacy, the State Board of  
9 Chiropractic Examiners, the Acupuncture Examining Board, the  
10 State Board of Physical Therapy, the State Board of Respiratory  
11 Care, the Orthotics and Prosthetics Board of Examiners, the State  
12 Board of Psychological Examiners, the State Board of Social Work  
13 Examiners, the State Board of Veterinary Medical Examiners, the  
14 State Board of Examiners of Ophthalmic Dispensers and  
15 Ophthalmic Technicians, the Audiology and Speech-Language  
16 Pathology Advisory Committee, the State Board of Marriage and  
17 Family Therapy Examiners, the Occupational Therapy Advisory  
18 Council, the Certified Psychoanalysts Advisory Committee, the  
19 State Board of Midwifery, or the State Board of Polysomnography.

20 Health care professional shall not include a nurse aide or  
21 personal care assistant who is required to undergo a criminal history  
22 record background check pursuant to section 2 of P.L.1997, c.100  
23 (C.26:2H-83) or a homemaker-home health aide who is required to  
24 undergo a criminal history record background check pursuant to  
25 section 7 of P.L.1997, c.100 (C.45:11-24.3).

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

28 (cf: P.L.2005, c.244, s.17)

29

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

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

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

39 “Division” means the Division of Consumer Affairs in the  
40 Department of Law and Public Safety;

41 “Health care entity” means a health care facility licensed  
42 pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.), a health  
43 maintenance organization authorized to operate pursuant to  
44 P.L.1973, c.337 (C.26:2J-1 et seq.), a carrier which offers a  
45 managed care plan regulated pursuant to P.L.1997, c.192 (C.26:2S-  
46 1 et seq.), a State or county psychiatric hospital, a State  
47 developmental center, a staffing registry, and a home care services  
48 agency as defined in section 1 of P.L.1947, c.262 (C.45:11-23).

1 “Health care professional” means a person licensed or otherwise  
2 authorized pursuant to Title 45 or Title 52 of the Revised Statutes to  
3 practice a health care profession that is regulated by the Director of  
4 the Division of Consumer Affairs or by one of the following boards:  
5 the State Board of Medical Examiners, the New Jersey Board of  
6 Nursing, the New Jersey State Board of Dentistry, the New Jersey  
7 State Board of Optometrists, the New Jersey State Board of  
8 Pharmacy, the State Board of Chiropractic Examiners, the  
9 Acupuncture Examining Board, the State Board of Physical  
10 Therapy, the State Board of Respiratory Care, the Orthotics and  
11 Prosthetics Board of Examiners, the State Board of Psychological  
12 Examiners, the State Board of Social Work Examiners, the State  
13 Board of Veterinary Medical Examiners, the State Board of  
14 Examiners of Ophthalmic Dispensers and Ophthalmic Technicians,  
15 the Audiology and Speech-Language Pathology Advisory  
16 Committee, the State Board of Marriage and Family Therapy  
17 Examiners, the Occupational Therapy Advisory Council, the State  
18 Board of Midwifery, and the Certified Psychoanalysts Advisory  
19 Committee.

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

22 “Review panel” means the Medical Practitioner Review Panel  
23 established pursuant to section 8 of P.L.1989, c.300 (C.45:9-19.8).  
24 (cf: P.L.2005, c.83, s.9)  
25

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

27 45:9-1. The State Board of Medical Examiners, hereinafter in  
28 this chapter designated as the “board” shall consist of 21 members,  
29 one of whom shall be the Commissioner of Health, or the  
30 commissioner’s designee, three of whom shall be public members  
31 and one an executive department designee as required pursuant to  
32 section 2 of P.L.1971, c.60 (C.45:1-2.2), and 16 of whom shall be  
33 persons of recognized professional ability and honor, and shall  
34 possess a license to practice their respective professions in New  
35 Jersey, and all of whom shall be appointed by the Governor in  
36 accordance with the provisions of section 2 of P.L.1971, c.60  
37 (C.45:1-2.2); provided, however, that said board shall consist of 12  
38 graduates of schools of medicine or osteopathic medicine who shall  
39 possess the degree of M.D. or D.O. The number of osteopathic  
40 physicians on the board shall be a minimum of, but not limited to,  
41 two members. In addition the membership of said board shall  
42 comprise: one podiatric physician who does not possess a license to  
43 practice in any other health care profession regulated under Title 45  
44 of the Revised Statutes; one physician assistant; **one certified**  
45 **nurse midwife;** <sup>1</sup>one licensed midwife;<sup>1</sup> and one licensed bio-  
46 analytical laboratory director, who may or may not be the holder of  
47 a degree of M.D. The term of office of members of the board  
48 hereafter appointed shall be three years or until their successors are

1 appointed. A member is eligible for reappointment for one  
2 additional term of office, but no member shall serve more than two  
3 consecutive terms of office. Said appointees shall, within 30 days  
4 after receipt of their respective commissions, take and subscribe the  
5 oath or affirmation prescribed by law and file the same in the office  
6 of the Secretary of State.

7 (cf: P.L.2013, c.253, s.35)

8  
9 18. Section 1 of P.L.1991, c.97 (C.45:10-17) is amended to read  
10 as follows:

11 1. As used in <sup>1</sup>**["this act"]** P.L.1991, c.97 (C.45:10-17 et seq.)<sup>1</sup>:

12 "Board" means the State Board of **["Medical Examiners"]**  
13 Midwifery.

14 "Certified midwife" means a certified midwife licensed by the  
15 board.

16 "Certified nurse midwife" means a certified nurse midwife  
17 **["registered with"]** licensed by the board.

18 "Drug" means drugs, medicine and devices, as determined by the  
19 board.

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

21  
22 <sup>1</sup>**["19. Section 2 of P.L.1991, c.97 (C.45:10-18) is amended to**  
23 **read as follows:**

24 2. A certified nurse midwife or certified midwife who meets  
25 the qualifications pursuant to section 3 of this act may prescribe,  
26 order, dispense and administer drugs **["**, as delineated in standing  
27 orders and practice protocols developed in agreement between a  
28 certified nurse midwife and a collaborative physician. The practice  
29 protocols shall be established in accordance with standards adopted  
30 by the board**"]** and medical devices, including controlled dangerous  
31 substances, consistent with the education and certification of a  
32 certified nurse midwife or certified midwife, and in accordance with  
33 applicable law.

34 (cf: P.L.1991, c.97, s.2)**"]**<sup>1</sup>

35  
36 <sup>1</sup>19. Section 2 of P.L.1991, c.97 (C.45:10-18) is amended to  
37 read as follows:

38 2. A certified nurse midwife or certified midwife who meets  
39 the qualifications pursuant to section 3 of **["this act"]** P.L.1991, c.97  
40 (C.45:10-19) may prescribe, order, dispense and administer drugs ,  
41 as delineated in standing orders and practice protocols developed in  
42 agreement between a certified nurse midwife and a collaborative  
43 physician. The practice protocols shall be established in accordance  
44 with standards adopted by the board.<sup>1</sup>

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

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

3       3. To qualify to prescribe drugs pursuant to section 2 of  
4 P.L.1991, c.97 (C.45:10-18), a certified midwife or a certified nurse  
5 midwife shall have completed 30 contact hours, as defined by the  
6 National Task Force on the Continuing Education Unit, in  
7 pharmacology or a pharmacology course, acceptable to the board, in  
8 an accredited institution of higher education approved by the  
9 Department of Higher Education or the board.  
10 (cf: P.L.2017, c.28, s.14)

11

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

14       4. A certified midwife or certified nurse midwife shall apply on  
15 a form prescribed by the board to obtain the authority to prescribe  
16 drugs pursuant to section 2 of <sup>1</sup>**["this act"] P.L.1991, c.97 (C.45:10-**  
17 **18)**<sup>1</sup> and shall present evidence acceptable to the board of meeting  
18 the requirements of section 3 of **["this act"] P.L.1991, c.97 (C.45:10-**  
19 **19)**.

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

21

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

24       5. If the board determines that a certified midwife or a certified  
25 nurse midwife who is permitted to prescribe drugs pursuant to  
26 <sup>1</sup>**["this act"] P.L.1991, c.97 (C.45:10-17 et seq.)**<sup>1</sup> has violated any  
27 provisions of <sup>1</sup>**["this act"] P.L.1991, c.97 (C.45:10-17 et seq.)**<sup>1</sup> or any  
28 provision of a regulation pertaining to certified midwives or  
29 certified nurse midwives or violated any State or federal law or  
30 regulation applicable to the prescription of drugs, the board shall  
31 prohibit that certified midwife or certified nurse midwife from  
32 prescribing any drugs.

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

34

35       23. (New section) a. Any person who is licensed as a certified  
36 midwife, certified nurse midwife, or certified professional midwife,  
37 pursuant to R.S.45:10-6, on the effective date of P.L. , c. (C. )  
38 (pending before the Legislature as this bill) shall be licensed at the  
39 same level under and subject to the provisions of P.L. , c. (C. )  
40 (pending before the Legislature as this bill).

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

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

3

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