

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control _____ Department or Agency Alabama State Board of Midwifery

Rule No. 582-X-2

Rule Title: Licensing

_____ New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? No

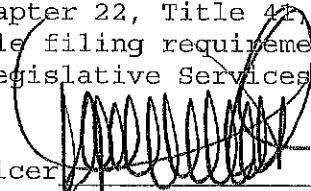
Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer 

Date July 20, 2018

(DATE FILED)
(STAMP)

Alabama State Board of Midwifery

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Midwifery

RULE NO. & TITLE: 582-X-2 Licensing

INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION: The Board proposes to establish rules defining the requirements and standards for licensing of midwives, requirements for continuing education and disciplinary actions of licensed midwives.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Wednesday, September 5, 2018. Comments should be directed to Noel J. Leithart, Board Chair at Post Office Box 1282, Gardendale, AL 35071 or via electronic mail at fruitfulvinemidwife@gmail.com or via telephone at 205-725-5306.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Wednesday, September 5, 2018.

CONTACT PERSON AT AGENCY: Noel J. Leithart
Board Chair
Post Office Box 1282
Gardendale, AL 35071
(205) 725-5306



Noel J. Leithart, Board Chair
Alabama State Board of Midwifery

NEW
Alabama Board of Midwifery
Administrative Code
Chapter 582-X-2
Licensing

- 582-X-2-.01 Purpose
- 582-X-2-.02 Construction
- 582-X-2-.03 General License Standards
- 582-X-2-.04 Fees
- 582-X-2-.05 Initial License Application
- 582-X-2-.06 License Renewal
- 582-X-2-.07 Invalid License
- 582-X-2-.08 Minimum Continuing Educational Requirements for Licensure
- 582-X-2-.09 Requirements for Clinical Internships for Individuals Seeking Midwifery Training
- 582-X-2-.10 Grounds for Denial of an Initial or Renewal Application, or after Disciplinary Action
- 582-X-2-.11 Surrender of License
- 582-X-2-.12 Reissuance of License after Revocation, Suspension, or Surrender

582-X-2-.01 Purpose. To establish requirements and the process for Licensed Midwifery care in the state of Alabama.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-12, et seq.

582-X-2-.02 Construction. These sections cover General license standards; Fees; Initial application; License renewal; Invalid License; Minimum Continuing Education Requirements for Licensure; Requirements for Clinical Internships; Grounds for denial of an initial or renewal application, or after disciplinary action; Surrender of license; and Reissuance of license after Revocation, Suspension, or Surrender.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14

582-X-2-.03 General license standards.

- (a) Individuals may receive a license to practice midwifery in Alabama through application to the Alabama State Board of Midwifery(ASBM).
- (b) A midwife license shall be valid for a period of two years. The license expires on July 1, two years from the initial license date. Renewal period is June 1 - July 1. Licenses that are not renewed as required will be cancelled.
- (c) A midwife's initial license might be fewer than two years, but cannot exceed two years.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History:

582-X-2-.04 Fees.

- (a) All fees must be made payable to the Alabama State Board of Midwifery.
 - (1) Application fee - \$250.

- (2) Initial license - \$550.
- (3) Renewal license - \$600 for each two-year renewal period.
- (b) In all cases, any fee that is received by the board shall not be refunded, and no applicant shall have the right to recover any part of a fee accompanying his or her application for licensure or otherwise paid to the board except on the death, disability, or retirement from practice of any applicant or licensee between payment of any fee and the expiration of his or her current renewal or the issuance of the initial license.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-13, 34-19-14 et seq.

History:

582-X-2-.05 Initial License Application.

Application process. An individual desiring to be licensed as a midwife shall apply to the board on the Application Form provided by the ASBM. Applicants for licensure shall submit evidence satisfactory to the board that he or she has met all of the following requirements Ala. Code 34-19-15:

- (1) Is at least 21 years of age. Ala.Code 34-19-15(a)(1)
- (2) Is a citizen of the United States or, if not a citizen of the United States, is legally present in the United States with appropriate documentation from the federal government. Ala.Code 34-19-15(a)(2)
- (3) Proof of current Certified Professional Midwife (CPM) certification by NARM.
- (4) Has obtained a certified professional midwife credential through one of these educational pathways:
 - (A) An applicant who has obtained a certified professional midwife credential through an education program or pathway accredited by the Midwifery Education Accreditation Council or by another accrediting agency recognized by the United States Department of Education; Ala.Code 34-19-15(a)(3)
 - (B) An applicant who has obtained a certified professional midwife credential prior to January 1, 2020, through a non-accredited pathway, provided the applicant obtains the Midwifery Bridge Certificate or completes an educational program or pathway accredited by the Midwifery Education Accreditation Council or by another accrediting agency recognized by the United States Department of Education. Ala.Code 34-19-15(b)(1)
 - (C) An applicant who has maintained licensure in a state that does not require an accredited education, provided the applicant obtains the Midwifery Bridge Certificate or completes an educational program or pathway accredited by the Midwifery Education Accreditation Council or by another accrediting agency recognized by the United States Department of Education. Ala.Code 34-19-15(b)(2)
- (5) Proof of current professional liability insurance of no less than one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) aggregate;
- (6) Application Fee.
- (7) Background check form and applicable fee.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History:

582-X-2-.06 License Renewal.

- (a) Licenses shall be valid for a period of 24 months, except the initial license.

- (b) Renewal period is from June 1 - July 1.
- (c) A Licensed Midwife's license expires on July 1, two years or less after initial licensure.
- (d) Licenses that are not renewed as required will be invalid.
- (e) Each Licensed Midwife is solely responsible for compliance with the requirements for license renewal. A Licensed Midwife's application for license renewal must include the following:
 - (1) a completed license renewal application form which shall require the provision of the preferred mailing address and telephone number, and a statement of all felony offenses for which the licensee has been convicted, annual statistics form, along with any other information required by the ASBM;
 - (2) proof of current Certified Professional Midwife certification from NARM;
 - (3) Proof of current professional liability insurance of no less than one hundred thousand dollars (\$100,000) per occurrence and three hundred thousand dollars (\$300,000) aggregate;
 - (4) Background check form and applicable fee; and
 - (5) the renewal fee.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History:

582-X-2-.07 Invalid License.

- (a) A Licensed Midwife who fails to apply for license renewal by July 1 of the year of expiration of the current license, the license shall become invalid.
- (b) The person may obtain a new license by reapplying for initial licensure and complying with the current requirements and procedures for obtaining an initial license.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History:

582-X-2-.08 Minimum continuing education requirements for licensure.

- (a) Proof of continuing education will be the Certified Professional Midwife certification from NARM, which requires 30 CEUs over three years. The ASBM deems verification of the licensee's CPM credential as proof of continuing education.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History:

582-X-2-.09 Requirements for clinical internships for individuals seeking midwifery training.

- (a) A midwifery student may only assist under the direct supervision of a Licensed Midwife. Direct supervision means that a Licensed Midwife shall be physically present and immediately available to provide aid, direction, and instruction when procedures are being performed.
- (b) To supervise a student, the LM must be either a NARM registered preceptor or a preceptor approved by a MEAC school.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History:

582-X-2-.10 Grounds for denial of initial or renewal application, or after disciplinary action.

ASBM may refuse to issue a license to any individual, if the licensee or applicant:

- (a) Has been convicted, pled guilty or no contest to a crime.
- (b) Has obtained a license by means of fraud, misrepresentation, or concealment of material facts, including making a false statement on an application or any other document required by the board for licensure.
- (c) Has engaged in unprofessional conduct pursuant to rules adopted by the board.
- (d) Has been convicted of any felony.
- (e) Has performed an act that exceeds the scope of practice granted by the board to the LM.
- (f) Has had his or her license revoked, suspended, or denied in any other territory or jurisdiction of the United States for any act described in this subsection.
- (g) Has failed to maintain professional liability insurance in the amount established by ASBM.
- (h) Has failed to satisfy information filing requirements under Ala Code 34-19-12(m)(1).
- (i) Has failed to comply with the Authorizing Act, as codified, or any rule or regulation set out herein.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, 34-19-15 et seq.

History:

582-X-2-.11 Surrender of license.

- (a) A LM may surrender his or her license prior to its expiration for the current period by mailing the original license certificate back to the ASBM together with a signed statement of his or her intent to surrender the license.
- (b) Voluntary surrender of license by a LM after receipt of notification from the ASBM that a complaint against the LM is being investigated shall not deprive the ASBM of jurisdiction in any disciplinary action which may result from said investigation.
- (c) The ASBM may enter any disciplinary order authorized by the Act 2017-383 or this subchapter to resolve a complaint against a LM who has surrendered his or her license after receipt of notification from the ASBM that a complaint is being investigated.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History:

582-X-2-.12 Reissuance of license after Revocation, Suspension, or Surrender.

- (a) A person whose license to practice midwifery in this state has been revoked or suspended by the ASBM or who has surrendered his or her license after having received notice that the ASBM is investigating a complaint may not apply for reissuance of license until the applicant has complied with all requirements imposed by the ASBM in connection with the revocation, suspension, or surrender.
- (b) The ASBM may reissue a license to a midwife who has surrendered his or her license while an investigation or disciplinary action was pending only if the ASBM finds that:
 - (1) the applicant is competent to resume practice; and
 - (2) the ASBM has no evidence of current or continuing violations by the applicant of the Act 2017-383 or this subchapter.

Author: Alabama State Board of Midwifery

Statutory Authority: Code of Ala., 1975, 34-19-14, et seq.

History: