

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama State Board of Midwifery

Rule No.: 582-X-1

Rule Title: The Board

X New _____ 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? Yes

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 Reference Service.

Signature of certifying officer  _____

Date: March 21, 2018

(DATE FILED)
(STAMP)

APA-2
11/96

Alabama State Board of Midwifery

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama State Board of Midwifery

RULE NO. & TITLE: 582-X-1 The Board

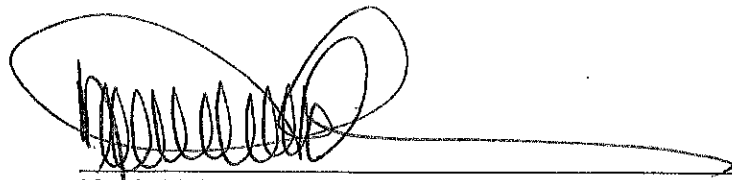
INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION: The Board proposes create procedures in which the Board will operate to regulate the profession of midwifery.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Written comments will be received by the Board until 4:00 p.m. on Thursday, May 3, 2018. Comments should be directed to Keith E. Warren, Acting Executive Director at 2777 Zelda Road, Montgomery, AL 36106 or via electronic mail at keith@alstateboard.com or via telephone at 334-269-9990.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
Thursday, May 3, 2018

CONTACT PERSON AT AGENCY: Keith E. Warren
Acting Executive Director
2777 Zelda Road
Montgomery, AL 36106
(334) 269-9990



Keith E. Warren, *Acting Executive Director*
Alabama State Board of Midwifery

Alabama Board of Midwifery
Administrative Code
Chapter 582-X-1
The Board

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582-X-1-.01 Purpose. This chapter implements the applicable provisions of the §34-19-12, Code of Ala., 1975, relating to the practice and regulation of licensed midwifery in Alabama.

Author: Alabama State Board of Midwifery

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

History:

582-X-1-.02 Construction. These sections cover the Alabama State Board of Midwifery; Duties; and Petition for the adoption of a rule.

Author: Alabama State Board of Midwifery

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

History:

582-X-1-.03 Midwifery board.

(a) Membership. Members are appointed by the Governor in accordance with the composition specified by the Alabama Childbirth Freedom Act. A record of attendance shall be kept at each meeting.

(b) Officers. Alabama State Board of Midwifery officers shall consist of a chair and vice-chair from the CPM members. The chair and vice-chair are selected by the Alabama State Board of Midwifery as their term of appointment expires or a vacancy is otherwise created. The chair shall be the presiding officer of the Alabama State

Board of Midwifery. The vice-chair shall assume the authority and duties of the chair in his/her absence.

(c) Terms of office. The members of the Alabama State Board of Midwifery serve for terms in accordance with the composition specified §34-19-2, Code of Ala., 1975.

(d) Meetings.

(1) Frequency. The Alabama State Board of Midwifery shall meet at least semi-annually and at other times when called by the ASBM or the Commissioner. Notice of the time, date, place and purpose of meetings shall be provided to the members by e-mail or by telephone, at least seven days in advance of each meeting. Normal meetings should be held in person when reasonably possible, electronic methods are acceptable when deemed necessary.

(2) Quorum. A majority of the ASBM's members constitutes a quorum for the transaction of business at any meeting. A majority is defined as more than one-half of the membership. The ASBM may act only by majority vote of its members present and voting. Each member shall be entitled to one vote. Proxy votes shall not be allowed. In case of a tie vote, the chair's vote will be the tie breaker.

(3) Subcommittees. Subcommittees of the ASBM shall be appointed only from the membership of the ASBM by the chair with such powers and responsibilities as shall be delegated to them by the chair.

(4) Workgroups. The ASBM may convene ad hoc working groups consisting of board members, Certified Professional Midwives, consumers, and other stakeholders, as necessary.

(5) Minutes. Minutes of all ASBM meetings shall be prepared and transmitted to the members for their review prior to subsequent meetings.

(6) Public participation. All requests from the public to participate in ASBM meetings shall be submitted to the chair. The chair may approve participation and may limit, as necessary, the time for each participant to address the ASBM. Alternatively, written comments are encouraged, and may be submitted to the ASBM for consideration.

- (7) Travel Reimbursement. Each Alabama State Board of Midwifery member is entitled to receive regular per diem and travel allowances as authorized for state employees in accordance with subsection 34-19-12 (k).

Author: Alabama State Board of Midwifery

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

History:

582-X-1-.04 Duties. The Alabama State Board of Midwifery exists to and is responsible for:

- (a) The generation, adoption, and revision as needed, of the Rules and Regulations for licensed midwifery in the state of Alabama.
- (b) The generation, adoption, and revision of standardized forms, pursuant to 34-19-14 (4).
- (c) Approve, renew, suspend, or revoke midwifery licenses.
- (d) Impose administrative fines not to exceed \$1000 per violation, pursuant to 34-19-14 (5).
- (e) The maintenance of an up-to-date, public list of every individual licensed to practice midwifery in Alabama, pursuant to 34-19-15 (e).
- (f) The maintenance of an up-to-date, public list of every individual whose licenses have been suspended, revoked, or denied, pursuant to 34-19-15 (e). This list shall include the name of each individual, the date and the cause of action, the penalty incurred, and the length of the penalty.
- (g) The maintenance of documentation of each licensed midwife's annual midwifery statistics, pursuant to 34-19-12 (m2).
- (1) Process and collect processing fees for public requests for midwifery statistics, pursuant to 34-19-12 (m2).
- (h) The appointment of a Complaint Review Committee for the purposes of reviewing complaints against licensed midwives when such complaints are filed, as described further in 582-X-4, Complaint Review.

Author: Alabama State Board of Midwifery

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

History:

582-X-1-.05 Petition for the adoption of a rule. The purpose of this section is to delineate the procedures of the board for the submission, consideration, and adoption of a petition to the board to adopt a rule.

(a) Submission of the petition.

(1) Any person may petition the board to adopt a rule.

(2) The petition shall be in writing; contain the petitioner's name, address, and organization, if any; and describe the rule and the reason for it; however, if the Alabama State Board of Midwifery chair determines that further information is necessary to assist the board in reaching a decision, the ASBM chair may require that the petitioner re-submit the petition and that it contain:

(A) a brief explanation of the proposed rule;

(B) the text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the current text, if any;

(C) a statement of the statutory or other authority under which the rule is to be promulgated; and

(D) the public benefits anticipated as a result of adopting the rule or the anticipated injury or inequity which could result from the failure to adopt the proposed rule.

(3) The ASBM chair may refuse to accept a petition which does not contain the information in paragraph (2) of this subsection or the information in paragraph (2)(A) - (D) of this subsection if the chair determines that the latter information is necessary.

(4) The petition shall be mailed or delivered to the Alabama State Board of Midwifery.

(b) Consideration and adoption of the petition.

(1) Within six months of a received petition, the board shall deny the petition or institute rulemaking procedure. The board may deny parts of the petition and/or institute rulemaking procedures on parts of the petition.

- (2) If the board denies the petition, the petitioner shall be given written notice of the board's denial.
- (3) If the board initiates rulemaking procedures, the version of the rule which the board proposes may differ from the version proposed by the petitioner.
- (c) Subsequent petitions to adopt the same or similar rule. All initial accepted petitions for the adoption of a rule shall be presented to and decided by the board in accordance with the provisions of subsections (b) and (c) of this section. The ASBM chair may refuse to forward to the board for consideration any subsequent petition for the adoption of the same or a similar rule submitted within twelve months after the date of the initial petition.

Author: Alabama State Board of Midwifery

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

History: