

APA-1
11/96

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control _____ Department or Agency: Alabama State Board of Midwifery

Rule No.: 582-X-2

Rule Title: Licensing

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-2 Licensing

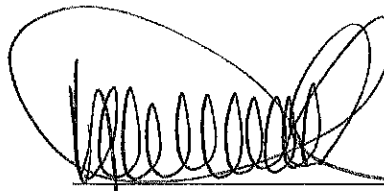
INTENDED ACTION: New

SUBSTANCE OF PROPOSED ACTION: The Board proposes create procedures in which the Board will license and 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-2
Licensing

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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.

History:

582-X-2-.02 Construction. These sections cover General license standards; Fees; Initial application; License renewal; Late renewal; Minimum Continuing Education Requirements for Licensure; Requirements for Clinical Internships; Grounds for denial of application or disciplinary action; Application or renewal with criminal conviction; 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

History:

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 renewal period of two years. The license expires on the licensed midwife's birth date, two years from when the current license was issued. The license must be renewed no later than the last day of the midwife's birth month. Licenses that are not renewed as required will be cancelled.
- (c) A midwife's initial license shall be valid from the date issued until the last day of the month in which she was born, two years from when the license was issued.

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 Midwifery Board.
 - (1) Application fee - \$250.
 - (2) Initial licensing fee - \$550.
 - (3) Renewal fee - \$600 for each two-year renewal period.
 - (4) Late processing fee - \$125.
- (b) In all cases, any application 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, §34-19-14, 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:

- (1) Is at least 21 years of age.
- (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.

- (3) Proof of Certified Professional Midwife (CPM) certification by NARM
- (4) Proof of completion of midwifery pharmacology course
- (5) 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;
 - (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.
 - (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.
- (6) An application 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.
- (b) A licensed midwife's license expires on the licensed midwife's birth date with a grace period that extends to the last day of the midwife's birth month. Renewal deadline is the the last day of the applicant's birth month, two years from initial or current licensure.
- (c) Licenses that are not renewed as required will be cancelled.

(d) Each midwife is solely responsible for compliance with the requirements for license renewal. A 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 misdemeanor and felony offenses for which the licensee has been convicted, along with any other information required by the ASBM;
- (2) proof of current Certified Professional Midwife certification from NARM; and
- (3) a nonrefundable renewal fee.

Author: Alabama State Board of Midwifery

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

History:

582-X-2-.07 Late renewal.

(a) A midwife who fails to apply for license renewal by the last day of the licensee's birth month at the end of a renewal period in which the midwife is currently licensed, as evidenced by a valid United States Postal Service or recognized commercial carrier postmark, may apply for late license renewal. Applications for late license renewal must include the following:

- (1) each of the items required for licensure renewal by this title; and
- (2) an additional nonrefundable late processing fee.

(b) A person whose license has been expired for one year or more may not renew the license. 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

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. 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 practice under the direct supervision of a licensed midwife. Direct supervision means that a licensed midwife shall be personally present and immediately available within the treatment area to provide aid, direction, and instruction when procedures are being performed.

(b) Each preceptor 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 application or disciplinary action. If the licensee or applicant:

(a) 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.

(b) Has engaged in unprofessional conduct pursuant to rules adopted by the board.

(c) Has been convicted of any felony.

(d) Has performed an act that exceeds the scope of practice granted by the board to the licensed midwife.

(e) 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.

Author: Alabama State Board of Midwifery

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

History:

582-X-2-11 Application or renewal with criminal conviction.

(a) The ASBM may refuse to issue a license to any individual who has been convicted of a misdemeanor.

(b) The ASBM shall consider the following factors:

(1) the nature and seriousness of the crime or the reason the applicant's probation was revoked;

(2) any relationship between the crime and the practice of midwifery;

(3) whether licensure might offer the applicant an opportunity to engage in the same or similar criminal activity as that for which the applicant was previously convicted;

- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of midwifery;
- (5) the age of the applicant when the crime was committed;
- (6) the amount of time that has elapsed since the applicant's conviction;
- (7) the applicant's conduct and work history prior to and following the conviction;
- (8) evidence of the applicant's progress toward rehabilitation while incarcerated, on probation, or following release; and
- (9) other evidence of the person's present fitness, including letters of recommendation from:
 - (A) prosecutorial, law enforcement, probation, and correctional officers;
 - (B) the sheriff or chief of police in the community where the applicant resides; and
 - (C) other persons.

Author: Alabama State Board of Midwifery

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

History:

582-X-2-.12 Surrender of License.

- (a) A midwife may surrender his or her license prior to its expiration for the current period by mailing the original license certificate and current renewal card back to the ASBM together with a signed statement of his or her intent to surrender the license.
- (b) Surrender of license by a midwife after receipt of notification from the ASBM that a complaint against the midwife 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 or this subchapter to resolve a complaint against a midwife 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-.13 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 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 or this subchapter.

Author: Alabama State Board of Midwifery

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

History: