

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

HOUSE BILL 2247

AN ACT

RELATING TO THE LICENSING AND REGULATION OF MIDWIFERY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Regulation of midwifery: advisory committee:
3 department of health services rules

4 A. On or before July 1, 2013, the department of health services shall
5 consider adopting rules regarding midwifery that concern the following:

6 1. Reducing the regulatory burden on midwives who are licensed
7 pursuant to title 36, chapter 6, article 7, Arizona Revised Statutes, and
8 streamlining the regulation process.

9 2. Consistent with the requirements of title 36, chapter 6, article 7,
10 Arizona Revised Statutes, revising the midwifery scope of practice pursuant
11 to subsections B, C and D of this section.

12 3. If available, adopting national licensure testing standards.

13 B. Any party that is interested in increasing the scope of practice of
14 midwifery must submit a report to the director of the department of health
15 services that contains the following:

16 1. A definition of the problem and why an increase in the scope of
17 practice is necessary, including the extent to which consumers need, and will
18 benefit from, practitioners with the increased scope of practice.

19 2. The available evidence-based research that demonstrates that the
20 interested current practitioners are competent to perform the proposed scope
21 of practice.

22 3. The extent to which an increase in the scope of practice may harm
23 the public, including the extent to which an increased scope of practice will
24 restrict entry into the practice of midwifery.

25 C. On receipt of the report prescribed in subsection B of this
26 section, the director shall appoint a midwifery scope of practice advisory
27 committee to assist the director in adopting and amending rules related to
28 midwifery scope of practice. The advisory committee shall include the
29 following members:

30 1. Two midwives who are licensed pursuant to title 36, chapter 6,
31 article 7, Arizona Revised Statutes.

32 2. Two public members who have used or who have significant experience
33 with midwife services.

34 3. One physician who is licensed pursuant to title 32, chapter 13,
35 Arizona Revised Statutes, and who has experience in obstetrics.

36 4. One physician who is licensed pursuant to title 32, chapter 17,
37 Arizona Revised Statutes, and who has experience in obstetrics.

38 5. One physician who is licensed pursuant to title 32, chapter 13 or
39 17, Arizona Revised Statutes, and who specializes in family medicine.

40 6. One nurse midwife or nurse practitioner who is licensed and
41 certified pursuant to title 32, chapter 15, Arizona Revised Statutes.

42 D. Advisory committee members are not eligible for compensation or
43 reimbursement of expenses.

44 E. On receipt of a report submitted pursuant to subsection B of this
45 section, the director shall publish the report on the department's website.

1 Within sixty days after the director publishes the report, the director shall
2 hold a public meeting of the advisory committee to consider any public
3 comments on that report. Within thirty days after the advisory committee
4 meeting, the advisory committee shall submit to the director its
5 recommendations concerning proposed rules relating to a change in the scope
6 of practice. Within thirty days after publication on the department website
7 of those recommendations and publication of the draft of proposed rules, the
8 director shall conduct a public meeting to receive comment on the final draft
9 of the proposed rules.

10 Sec. 2. Exemption from rule making

11 For the purposes of this act, the department of health services is
12 exempt from the rule making requirements of title 41, chapter 6, Arizona
13 Revised Statutes, until July 1, 2013, except that the department shall
14 provide public notice and an opportunity for public comment pursuant to
15 section 1 of this act.