

COMMITTEE ON HEALTH & HUMAN SERVICES
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2251
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:
2 Section 1. Section 36-751, Arizona Revised Statutes, is amended to
3 read:
4 36-751. Definitions
5 In this article, unless the context otherwise requires:
6 1. "Department" means the department of health services.
7 2. "Director" means the director of the department ~~of health~~
8 ~~services~~.
9 3. "LICENSED MIDWIFE" MEANS A MIDWIFE WHO IS LICENSED PURSUANT TO
10 THIS ARTICLE.
11 ~~3.~~ 4. "Midwife" means a person who delivers a baby or provides
12 health care related to pregnancy, labor, delivery and postpartum care of
13 the mother and her infant.
14 Sec. 2. Section 36-755, Arizona Revised Statutes, is amended to
15 read:
16 36-755. Powers and duties of the director
17 A. The director may adopt rules necessary for the proper
18 administration and enforcement of this article.
19 B. The director shall, by rule:
20 1. Define and describe, consistent with this article and the laws
21 of this state, the duties and limits of the practice of midwifery.
22 2. Adopt standards with respect to the practice of midwifery
23 designed to safeguard the health and safety of the mother and child.
24 3. Establish the criteria for granting, denying, suspending and
25 revoking a license in order to protect the health and safety of the mother
26 and child.

1 4. Describe and define reasonable and necessary minimum
2 qualifications for LICENSED midwives, including:

3 (a) The ability to read and write.

4 (b) Knowledge of the fundamentals of hygiene.

5 (c) The ability to recognize abnormal or potentially abnormal
6 conditions during pregnancy, labor and delivery and following birth.

7 (d) Knowledge of the laws of this state concerning reporting of
8 births, prenatal blood tests and newborn screening and of the rules
9 pertaining to midwifery.

10 (e) Education requirements.

11 (f) Age requirements.

12 C. THE DIRECTOR SHALL CONSIDER THE MOST RECENT MIDWIFERY JOB
13 ANALYSIS ISSUED BY THE NORTH AMERICAN REGISTRY OF MIDWIVES WHEN ADOPTING
14 OR AMENDING RULES RELATING TO THE MIDWIFERY SCOPE OF PRACTICE.

15 Sec. 3. Title 36, chapter 6, article 7, Arizona Revised Statutes,
16 is amended by adding sections 36-761, 36-762 and 36-763, to read:

17 36-761. Prescription drugs; dispensing and administration
18 authority; storage; documentation

19 A. A LICENSED MIDWIFE WHO [. IN ADDITION TO THE REQUIREMENTS FOR
20 INITIAL LICENSURE.] HAS PROOF OF COMPLETION OF A PHARMACOLOGY COURSE OF AT
21 LEAST EIGHT CONTINUING EDUCATION UNITS FROM A MIDWIFERY EDUCATION
22 ACCREDITATION COUNCIL-ACCREDITED INSTITUTION OR A REGIONALLY ACCREDITED
23 INSTITUTION MAY DISPENSE AND ADMINISTER THE FOLLOWING MEDICATIONS,
24 THERAPIES AND DEVICES WITH THE FOLLOWING LIMITATIONS:

25 1. ANTIBIOTICS RELATED TO~~[-~~

26 ~~(a) TREATING BREAST INFECTIONS, URINARY TRACT INFECTIONS AND VULVAR~~
27 ~~INFECTIONS.~~

28 ~~(b)] GROUP B STREPTOCOCCUS PROPHYLAXIS CONSISTENT WITH THE UNITED~~
29 ~~STATES CENTERS FOR DISEASE CONTROL AND PREVENTION GUIDELINES [OR OTHER~~
30 ~~CURRENT EVIDENCE-BASED GUIDELINES].~~

31 ~~[2. ANTIEMETICS ONLY FOR TREATING NAUSEA AND VOMITING.~~

32 ~~3. THE FOLLOWING ANTIVIRAL MEDICATIONS FOR TREATING THE HERPES~~
33 ~~SIMPLEX VIRUS CONSISTENT WITH THE AMERICAN COLLEGE OF OBSTETRICIANS AND~~
34 ~~GYNECOLOGISTS GUIDELINES:~~

35 ~~(a) ACYCLOVIR.~~

36 ~~(b) VALACYCLOVIR.~~

37 ~~4. THE FOLLOWING ANTIFUNGAL MEDICATIONS FOR TREATING BREAST AND~~
38 ~~VULVAR INFECTIONS OR CONDITIONS CONSISTENT WITH THE AMERICAN COLLEGE OF~~
39 ~~OBSTETRICIANS AND GYNECOLOGISTS GUIDELINES:~~

40 ~~(a) FLUCONAZOLE.~~

41 ~~(b) METRONIDAZOLE.~~

42 ~~(c) MICONAZOLE.~~

43 ~~5. THE FOLLOWING LOW-POTENCY TOPICAL STEROIDS ANTIPRURITIC~~
44 ~~MEDICATIONS AND THERAPIES RELATED TO TREATING BREAST AND VULVAR INFECTIONS~~
45 ~~OR CONDITIONS CONSISTENT WITH THE AMERICAN COLLEGE OF OBSTETRICIANS AND~~
46 ~~GYNECOLOGISTS GUIDELINES:~~

47 ~~(a) HYDROCORTISONE 2.5 PERCENT.~~

1 ~~(b) TRIAMCINALONE 1 PERCENT.]~~
2 ~~[6.] [2.]~~ THE FOLLOWING ANTIHEMORRHAGIC MEDICATIONS FOR PREVENTING
3 AND TREATING POSTPARTUM HEMORRHAGE AS DEFINED BY THE AMERICAN COLLEGE OF
4 OBSTETRICIANS AND GYNECOLOGISTS:
5 (a) OXYTOCIN ~~[FOR PREVENTING UTERINE ATONY DURING OR IMMEDIATELY~~
6 ~~FOLLOWING THE THIRD STAGE OF LABOR ACCORDING TO CURRENT EVIDENCE-BASED~~
7 ~~STANDARDS OF CARE].~~
8 (b) METHYLERGONOVINE.
9 (c) CARBOPROST TROMETHAMINE.
10 (d) MISOPROSTOL.
11 (e) TRANEXAMIC ACID.
12 A LICENSED MIDWIFE MAY NOT USE THE ANTIHEMORRHAGIC MEDICATIONS SPECIFIED
13 IN THIS PARAGRAPH TO INDUCE OR AUGMENT LABOR. THE LICENSED MIDWIFE SHALL
14 INITIATE A TRANSFER OF CARE IF ~~[THE PATIENT'S CONDITION DOES NOT IMPROVE~~
15 ~~AFTER THE USE OF]~~ AN ANTIHEMORRHAGIC MEDICATION ~~[IS ADMINISTERED FOR~~
16 ~~MANAGING HEMORRHAGE].~~
17 ~~[7.] [3.]~~ PROPHYLACTIC OPHTHALMIC MEDICATIONS FOR NEWBORN EYE
18 CARE.
19 ~~[8.] [4.]~~ INTRAVENOUS FLUIDS FOR THE FOLLOWING:
20 (a) MEDICATION ADMINISTRATION.
21 (b) ~~[DEHYDRATION]~~ ~~[ROUTINE FLUID ADMINISTRATION].~~
22 (c) TREATING HYPOVOLEMIC SHOCK WHILE AWAITING EMERGENCY MEDICAL
23 SERVICE.
24 ~~[9.] [5.]~~ VITAMIN K PROPHYLAXIS FOR NEWBORNS.
25 ~~[10.] [6.]~~ RHO IMMUNE GLOBULIN.
26 ~~[11.] [7.]~~ TOPICAL, INTRAMUSCULAR OR SUBCUTANEOUS LOCAL
27 ANESTHETICS FOR POSTPARTUM REPAIR OF ~~[FIRST AND SECOND DEGREE]~~ TEARS,
28 LACERATIONS OR EPISIOTOMIES. THIS PARAGRAPH DOES NOT INCLUDE ANY SCHEDULE
29 I CONTROLLED SUBSTANCE.
30 ~~[12.] [8.]~~ OXYGEN AND COMPRESSED AIR FOR FETAL OR MATERNAL
31 DISTRESS AND INFANT RESUSCITATION.
32 ~~[13.] [9.]~~ EPINEPHRINE FOR NEONATAL RESUSCITATION CONSISTENT WITH
33 THE NEONATAL RESUSCITATION PROGRAM GUIDELINES AND TO TREAT MATERNAL
34 ALLERGIC REACTIONS.
35 ~~[14.] [10.]~~ GLUCOSE GEL ADMINISTERED ORALLY FOR NEONATAL
36 HYPOGLYCEMIA.
37 ~~[15.] [11.]~~ VITAMINS AND MINERALS FOR CORRECTING ELECTROLYTE
38 IMBALANCES, INCLUDING B VITAMINS, CALCIUM, MAGNESIUM, DIETARY SUPPLEMENTS,
39 HOMEOPATHIC REMEDIES, PLANT SUBSTANCES THAT ARE NOT DESIGNATED AS
40 PRESCRIPTION DRUGS OR CONTROLLED SUBSTANCES, AND OVER-THE-COUNTER
41 MEDICATIONS.
42 ~~[16.] [12.]~~ RESUSCITATION SUPPLIES AND EQUIPMENT ACCORDING TO THE
43 CURRENT NEONATAL RESUSCITATION PROGRAM ALGORITHM.
44 ~~[17.] [13.]~~ MEDICAL SUPPLIES AND EQUIPMENT NEEDED TO ADMINISTER
45 THE MEDICATIONS PRESCRIBED IN THIS SUBSECTION.
46 ~~[18.] [14.]~~ ELECTRONIC BREAST PUMPS, GLUCOSE MONITORS, COMPRESSION
47 STOCKINGS AND PREGNANCY SUPPORT BELTS OR DEVICES.

1 B. A LICENSED MIDWIFE MAY ADMINISTER OTHER PRESCRIPTION MEDICATIONS
2 AS PRESCRIBED BY A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32, CHAPTER
3 13, 14 OR 17, A REGISTERED NURSE PRACTITIONER WHO IS LICENSED PURSUANT TO
4 TITLE 32, CHAPTER 15 OR A PHYSICIAN ASSISTANT WHO IS LICENSED PURSUANT TO
5 TITLE 32, CHAPTER 25. A PHARMACIST WHO DISPENSES PRESCRIPTION MEDICATIONS
6 PRESCRIBED PURSUANT TO THIS SUBSECTION TO A LICENSED MIDWIFE IS NOT LIABLE
7 FOR ANY ADVERSE REACTION THAT IS CAUSED BY THE LICENSED MIDWIFE'S METHOD
8 OF USE.

9 C. A LICENSED MIDWIFE MAY LAWFULLY OBTAIN, TRANSPORT, ADMINISTER
10 AND POSSESS ADEQUATE QUANTITIES OF THE MEDICATIONS PRESCRIBED IN
11 SUBSECTION A OF THIS SECTION AND THE EQUIPMENT NORMALLY REQUIRED TO
12 ADMINISTER THOSE MEDICATIONS. THE LICENSED MIDWIFE SHALL:

13 1. STORE THE MEDICATIONS PRESCRIBED IN SUBSECTION A OF THIS SECTION
14 AS DIRECTED BY THE MANUFACTURER. A LICENSED MIDWIFE MAY NOT ADMINISTER A
15 MEDICATION TO ANY PERSON AFTER THE LISTED EXPIRATION DATE.

16 2. RECORD IN THE PATIENT'S CHART EACH USE OF MEDICATION AND THE
17 MEDICATION'S LOT NUMBER AND EXPIRATION DATE.

18 36-762. Arizona midwifery advisory committee; membership;
19 duties; scope of practice; modification; sentinel
20 events; definition

21 A. THE ARIZONA MIDWIFERY ADVISORY COMMITTEE IS ESTABLISHED IN THE
22 DEPARTMENT TO ASSIST IN EXAMINING APPLICANTS FOR A MIDWIFERY LICENSE, IF
23 REQUESTED, TO COLLABORATE WITH AND ASSIST THE DIRECTOR IN DISCIPLINARY
24 MATTERS, IF REQUESTED, AND TO PERFORM ANY OTHER DUTIES PRESCRIBED IN THIS
25 ARTICLE.

26 B. THE DIRECTOR SHALL APPOINT THE MEMBERS OF THE ADVISORY
27 COMMITTEE, WHICH SHALL BE COMPOSED OF NOT MORE THAN ~~NINE~~ ELEVEN OF THE
28 FOLLOWING MEMBERS:

29 1. AT LEAST ~~FOUR~~ FIVE LICENSED MIDWIVES.

30 2. ~~AT LEAST ONE BUT NOT MORE THAN~~ TWO CERTIFIED NURSE MIDWIVES
31 WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 15.

32 3. ~~AT LEAST ONE BUT NOT MORE THAN~~ TWO PHYSICIANS WHO ARE LICENSED
33 PURSUANT TO TITLE 32, CHAPTER 13, 14 OR 17 AND WHO ARE BOARD CERTIFIED IN
34 OBSTETRICS, PEDIATRICS OR FAMILY MEDICINE. [THE DIRECTOR SHALL SOLICIT
35 PHYSICIAN APPLICATIONS FROM STATE MEDICAL SOCIETIES AND ASSOCIATIONS.]

36 4. ~~AT LEAST~~ ONE CONSUMER OF MIDWIFERY CARE.

37 C. ADVISORY COMMITTEE MEMBERS ARE NOT ELIGIBLE FOR COMPENSATION OR
38 REIMBURSEMENT OF EXPENSES.

39 D. THE ADVISORY COMMITTEE SHALL MEET AT LEAST FOUR TIMES EACH YEAR,
40 ONCE PER QUARTER.

41 E. THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO THE
42 DIRECTOR WHEN ADOPTING OR AMENDING RULES RELATING TO THE MIDWIFERY SCOPE
43 OF PRACTICE.

1 F. A LICENSED MIDWIFE WHO IS INTERESTED IN MODIFYING THE MIDWIFERY
2 SCOPE OF PRACTICE MUST SUBMIT A REPORT TO THE ADVISORY COMMITTEE THAT
3 CONTAINS AT LEAST THE FOLLOWING:

4 1. A DESCRIPTION OF THE ISSUE AND WHY AN ADDITION TO THE MIDWIFERY
5 SCOPE OF PRACTICE IS NECESSARY, INCLUDING THE EXTENT TO WHICH CONSUMERS
6 NEED AND WILL BENEFIT FROM A LICENSED MIDWIFE'S ABILITY TO PROVIDE THIS
7 ADDITIONAL HEALTH CARE SERVICE.

8 2. THE AVAILABLE EVIDENCE-BASED RESEARCH THAT DEMONSTRATES THAT
9 LICENSED MIDWIVES ARE COMPETENT TO PERFORM THE PROPOSED HEALTH CARE
10 SERVICE.

11 3. THE EXTENT TO WHICH A CHANGE IN THE MIDWIFERY SCOPE OF PRACTICE
12 MAY HARM THE PUBLIC, INCLUDING THE EXTENT TO WHICH A CHANGE IN THE SCOPE
13 OF PRACTICE WILL RESTRICT ENTRY INTO THE PRACTICE OF MIDWIFERY.

14 G. IF A MAJORITY OF A QUORUM OF THE ADVISORY COMMITTEE MEMBERS
15 VOTES TO APPROVE A CHANGE IN THE MIDWIFERY SCOPE OF PRACTICE PURSUANT TO
16 SUBSECTION F OF THIS SECTION, THE ADVISORY COMMITTEE SHALL PROVIDE THE
17 DIRECTOR WITH ITS RECOMMENDATIONS FOR A POSSIBLE RULE CHANGE.

18 H. THE ADVISORY COMMITTEE SHALL CONDUCT A REVIEW OF SENTINEL
19 EVENTS OCCURRING DURING THE COURSE OF PRENATAL, INTRAPARTUM OR POSTPARTUM
20 CARE PROVIDED BY LICENSED MIDWIVES IN THIS STATE.

21 I. THE ADVISORY COMMITTEE MAY CONVENE EMERGENCY MEETINGS WHEN A
22 CASE OR SENTINEL EVENT REQUIRES TIMELY REVIEW OR ACTION TO PROTECT THE
23 PUBLIC HEALTH AND SAFETY.

24 J. FOLLOWING THE REVIEW OF A SENTINEL EVENT, THE ADVISORY COMMITTEE
25 SHALL MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING WHETHER THE CARE
26 PROVIDED WAS:

27 1. CONSISTENT WITH COMMUNITY STANDARDS.

28 2. CONSISTENT WITH COMMUNITY STANDARDS BUT OUTSIDE THE SCOPE OF
29 PRACTICE AS DEFINED BY THE DEPARTMENT IN RULE.

30 3. OUTSIDE OF COMMUNITY STANDARDS AND REQUIRING CORRECTIVE ACTION.

31 K. FOR CARE DETERMINED TO BE OUTSIDE OF COMMUNITY STANDARDS UNDER
32 SUBSECTION J OF THIS SECTION, THE ADVISORY COMMITTEE MAY RECOMMEND ONE OR
33 MORE OF THE FOLLOWING TO THE DEPARTMENT:

34 1. ADDITIONAL CONTINUING EDUCATION REQUIREMENTS.

35 2. MENTORING OR SUPERVISED PRACTICE.

36 3. ADMINISTRATIVE CIVIL PENALTIES.

37 4. RESTRICTION OR SUSPENSION OF A LICENSE.

38 5. REVOCATION OF A LICENSE.

39 L. THE ADVISORY COMMITTEE SHALL REVIEW MIDWIFE REPORTS SUBMITTED
40 PURSUANT TO SECTION 36-763 AND MAY RECOMMEND MODIFICATIONS TO REPORTING
41 REQUIREMENTS TO THE DEPARTMENT TO SUPPORT QUALITY IMPROVEMENT AND PATIENT
42 SAFETY.

43 M. FOR THE PURPOSES OF THIS SECTION, "SENTINEL EVENT":

44 1. MEANS AN UNEXPECTED, SERIOUS PATIENT SAFETY INCIDENT RESULTING
45 IN DEATH, PERMANENT HARM OR A SIGNIFICANT RISK OF HARM.

46 2. INCLUDES BOTH:

47 (a) MATERNAL SENTINEL EVENTS, INCLUDING:

1 (i) MATERNAL DEATH.
2 (ii) MATERNAL INTENSIVE CARE UNIT ADMISSION.
3 (iii) UTERINE RUPTURE.
4 (iv) POSTPARTUM HEMORRHAGE REQUIRING A BLOOD TRANSFUSION.
5 (v) SHOULDER DYSTOCIA WITH BRACHIAL PLEXUS INJURY.
6 (b) NEONATAL SENTINEL EVENTS, INCLUDING:
7 (i) NEONATAL INTENSIVE CARE UNIT ADMISSION WITHIN SEVENTY-TWO HOURS
8 AFTER BIRTH, NOT INCLUDING OBSERVATION-ONLY ADMISSIONS OR ADMISSIONS FOR
9 CONGENITAL ANOMALIES.
10 (ii) A BIRTH WEIGHT OF LESS THAN TWO THOUSAND FIVE HUNDRED GRAMS.
11 (iii) AN APGAR SCORE OF LESS THAN SEVEN AT FIVE MINUTES.
12 (iv) RESPIRATORY DISTRESS REQUIRING PROLONGED VENTILATION.]
13 36-763. Disclosure; reporting requirements; definitions
14 A. AT THE INITIATION OF CARE, EACH LICENSED MIDWIFE SHALL DISCLOSE
15 TO EACH PATIENT WHETHER THE LICENSED MIDWIFE MAINTAINS PROFESSIONAL
16 LIABILITY INSURANCE. THIS DISCLOSURE SHALL BE INCLUDED IN THE INFORMED
17 CONSENT DOCUMENT AND ACKNOWLEDGED BY THE PATIENT'S SIGNATURE.
18 B. ON OR BEFORE JANUARY 31 EACH YEAR, EACH LICENSED MIDWIFE SHALL
19 FILE A REPORT WITH THE DEPARTMENT, IN A FORMAT PRESCRIBED BY THE
20 DEPARTMENT, THE FOLLOWING INFORMATION, NOT INCLUDING ANY INDIVIDUALLY
21 IDENTIFIABLE HEALTH INFORMATION OF A PATIENT, FOR THE PRECEDING CALENDAR
22 YEAR:
23 1. THE NUMBER OF WOMEN FOR WHOM THE LICENSED MIDWIFE PROVIDED CARE.
24 2. THE NUMBER OF DELIVERIES THE LICENSED MIDWIFE [~~PERFORMED~~]
25 [ATTENDED AS PRIMARY MIDWIFE].
26 3. THE NUMBER, REASON FOR AND OUTCOME OF EACH TRANSFER OR TRANSPORT
27 OF A PATIENT IN THE ANTEPARTUM, INTRAPARTUM OR IMMEDIATE POSTPARTUM
28 PERIODS.
29 4. THE NUMBER OF PERINATAL DEATHS, INCLUDING THE CAUSE OF DEATH AND
30 A DESCRIPTION OF THE CIRCUMSTANCE.
31 5. THE NUMBER AND OUTCOME OF BREECH BIRTHS AND VAGINAL BIRTHS AFTER
32 CESAREAN.
33 6. THE NUMBER OF BIRTHS THAT OCCURRED MORE THAN TWENTY-FIVE MILES
34 FROM A HOSPITAL THAT PROVIDES OBSTETRICS SERVICES.
35 7. THE NUMBER OF FETAL DEATHS AFTER TWENTY WEEKS' GESTATION.
36 8. THE LICENSED MIDWIFE'S FULL NAME, LICENSE NUMBER AND COUNTY.
37 [C. IN ADDITION TO THE REPORTING REQUIRED IN SUBSECTION B OF THIS
38 SECTION, A LICENSED MIDWIFE SHALL REPORT TO THE DEPARTMENT:
39 1. A PERINATAL MORTALITY WITHIN SEVENTY-TWO HOURS AFTER THE DEATH.
40 2. A SENTINEL EVENT WITHIN FOURTEEN DAYS AFTER THE EVENT.]
41 ~~[C.]~~ [D.] THE INFORMATION REPORTED TO THE DEPARTMENT PURSUANT TO
42 ~~[SUBSECTION]~~ [SUBSECTIONS] B [AND C] OF THIS SECTION MAY BE INSPECTED,
43 COPIED, OBTAINED OR PROVIDED TO THE ADVISORY COMMITTEE FOR RESEARCH AND
44 EVIDENCE.

1 ~~[D.]~~ [E.] THE REPORT REQUIRED BY SUBSECTION B OF THIS SECTION
2 REPLACES THE REPORT REQUIRED BY EACH LICENSED MIDWIFE FOLLOWING THE
3 TERMINATION OF CARE FOR EACH PATIENT.
4 ~~[E.]~~ [E.] FOR THE PURPOSES OF THIS SECTION~~[,]~~ [:
5 1.] "INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION" HAS THE SAME
6 MEANING PRESCRIBED IN SECTION 36-3801.
7 ~~[2. "SENTINEL EVENT" HAS THE SAME MEANING PRESCRIBED IN SECTION~~
8 ~~36-762.]~~
9 <<Sec. 4. Short title
10 [This act may be cited as the "Jordan and Mack Terry Act".]>>

11 Enroll and engross to conform
12 Amend title to conform

SELINA BLISS
CHAIRMAN

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