

STAND. COM. REP. NO.

1700

Honolulu, Hawaii

MAR 22

, 2019

RE: S.B. No. 1033
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 1033, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE LICENSURE OF MIDWIVES,"

begs leave to report as follows:

The purpose of this measure as it was received by your Committee is to:

- (1) Establish the licensure and regulation of midwives practicing in the State, including penalties for violations of license and registration requirements and regulations;
- (2) Exempt Native Hawaiian healers and traditional midwives from licensure requirements;
- (3) Prohibit traditional midwives and others with a certification but who do not meet licensing criteria from practicing or advertising as a midwife;
- (4) Require registration by all practicing midwives and full licensure of all qualified midwives by January 1, 2024;



- (5) Provide for provisional licensure of eligible midwives until full licensure can be obtained and instituted by the Department of Commerce and Consumer Affairs (DCCA); and
- (6) Appropriate funds from the Compliance Resolution Fund to implement the licensure of midwives.

For purposes of a public hearing, your Committee circulated a proposed S.B. No. 1033, H.D. 1, (Proposed Draft) and notified the public that it would be accepting testimony on this proposal. The Proposed Draft amended the measure as received by your Committee by:

- (1) Specifying the scope of practice of midwifery;
- (2) Changing the composition and membership requirements for the advisory committee;
- (3) Prohibiting the practice of midwifery without a license after July 1, 2020;
- (4) Adding provisions allowing for the continued practice of birth attendants who are not midwives through July 1, 2023;
- (5) Removing provisions related to provisional licensure;
- (6) Granting midwives the authority to purchase and administer certain legend drugs and devices;
- (7) Expanding the grounds under which a license may be revoked, suspended, or denied and under which the Director may refuse to grant, renew, reinstate, or restore a license;
- (8) Establishing that the midwife licensing program will be repealed on June 30, 2025, in accordance with current statutory requirements; and
- (9) Authorizing DCCA to adopt interim rules and appoint certain personnel.



The Hawai'i State Commission on the Status of Women; American Academy of Pediatrics; North American Registry of Midwives; and several individuals testified in support of this measure. Wearing and Caring, LLC; Hawai'i Midwifery Council; We Are One, Inc.; Birth Believers; Birth Embodied Midwifery; Ho'opae Pono Peace Project; Hawaii Home Birth Collective; Gentle Beginnings Midwifery; Sacred Healing Arts LLC; Hawaii Holistic Midwifery; Kona Coast La Leche League; Indie Birth Association; Aoki Birthing Care; Hale Kealaula, LLC; LPD Services; Informed Choice Birth Services; MAMA Hawaii; Collective of Concerned Black Mothers; Midwives Alliance of North America; and numerous individuals testified in opposition to this measure. DCCA; Hawai'i State Center for Nursing; Midwives Alliance of Hawaii; Hawaii Children's Action Network; Hawaii Women's Coalition; Hawaii Section of the American College of Obstetricians and Gynecologists; Committee of Midwife Advocates for the Certified Midwife; Hawaii Affiliate of the American College of Nurse-Midwives; Hawaii Maternal & Infant Health Collaborative; Hawai'i Pacific Health; Early Childhood Action Strategy; Papa Ola Lokahi; and several individuals provided comments.

After careful consideration, your Committee adopted the Proposed Draft and further amended it by:

- (1) Amending the definition of the scope of practice of midwifery;
- (2) Changing the composition of the Director's advisory committee to include a Certified Nurse Midwife;
- (3) Granting the Director the authority to modify the list of authorized non-controlled legend drugs and devices that may be used by midwives;
- (4) Clarifying that birth attendants may practice and advertise their services provided they do not claim to be a licensed midwife and subject to certain limits and disclosure requirements;
- (5) Inserting language excepting individuals from licensure requirements for providing care to immediate family members;



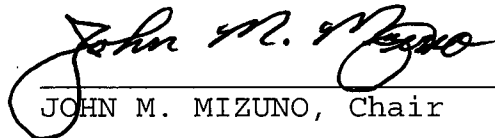
1700

- (6) Expanding the authorized legend drugs or devices that a licensed midwife may use or administer;
- (7) Appropriating \$146,000 from State general funds and \$73,000 from the Compliance Resolution Fund to implement the licensure of midwives as required by this measure, including the hiring of staff; and
- (8) Establishing a task force within the Hawaii State Commission on the Status of Women to investigate issues relating to home births and direct entry midwives.

Your Committee notes that it intends for the Hawaii State Commission on the Status of Women to provide administrative and clerical services, such as providing a meeting space or a conference phone number, to the task force.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1033, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1033, S.D. 2, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Health,



JOHN M. MIZUNO, Chair



