

Honolulu, Hawaii

FEB 15 2019

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred S.B. No. 1033 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish licensure of midwives, including scope of practice, professional code of conduct, continuing education requirements, and prescriptive drug authority;
- (2) Appropriate funds from the compliance resolution fund;  
and
- (3) Exempt traditional birth attendants and Native Hawaiian healers from licensure requirements.

Your Committee received testimony in support of this measure from the Hawai'i State Commission on the Status of Women; Hawai'i Pacific Health; Hawaii Women's Coalition; AAUW of Hawaii; Hawai'i Section of the American College of Obstetricians and Gynecologists; Hawai'i Children's Action Network; Midwives Alliance of Hawaii; Breastfeeding Hawaii; Hawai'i Affiliate of the American College Nurse-Midwives; Hawaii Maternal and Infant Health Collaborative; Committee on Midwife Advocates for the Certified Midwife of the American College of Nurse-Midwives; Early Childhood



Action Strategy; American Academy of Pediatrics, Hawaii Chapter; and over forty individuals. Your Committee received testimony in opposition to this measure from the Hawai'i Midwifery Council; Hawai'i Homebirth Collective; Hawaii Home Birth Committee; Sacred Healing Arts; Aoki Birthing Care, LLC; Informed Choice Birth Services; Little Hands of Hawaii; and over one hundred individuals. Your Committee received comments on this measure from the Department of Commerce and Consumer Affairs, Department of Health, Kapi'olani Medical Center for Women and Children, Healthy Mothers Healthy Babies, Young Progressives Demanding Action, Kaiser Permanente Hawai'i, and one individual.

Your Committee finds that there is growing public concern over non-credentialed and uncertified individuals calling themselves "midwives" who have been allowed to market themselves and provide midwifery services as a business. The State Auditor conducted a sunrise analysis for the licensure of midwives in 2017, which concluded that regulation of this field is needed to provide for standardized qualification requirements as well as regulatory oversight. Even low-risk pregnancies can quickly, within a few minutes or even seconds, become high-risk pregnancies. Hawaii is one of seventeen states that does not license or regulate midwives, leaving women in Hawaii with no way of telling who is certified to do a community birth and who is not.

This measure protects the health and safety of women and unborn infants and is not a prohibition on a woman's ability to choose the birth attendant of her choice; it is about licensure of a profession. Licensure will provide consumers with increased access to midwifery care from providers who are skilled professional midwives. Through licensure, midwives will be able to work to their fullest scope and within a collaborative health care system. It is vital that all women have access to safe, qualified, highly skilled providers in all aspects of the birthing process.

Your Committee has amended this measure by:

- (1) Establishing a single licensure scheme for the licensure of midwives and removing language that would have established a dual licensure pathway;



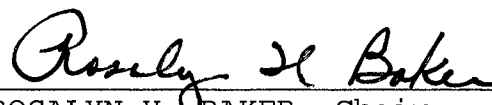
- (2) Updating definitions;
- (3) Clarifying that the powers and duties of the Director of Commerce and Consumer Affairs (Director) include the authority to grant title protection to certified professional midwives;
- (4) Clarifying the composition of the advisory committee that may be appointed by the Director to assist with the implementation of the licensed midwife program;
- (5) Clarifying certain time frames regarding licensure, including:
  - (A) Specifying that the Director may accept applications for licensure beginning on July 1, 2019;
  - (B) Permitting the Director to grant provisional licenses to persons who have satisfied licensing requirements but have not yet acquired a license and specifying that a provisional license shall expire on January 1, 2024, or upon a person receiving full licensure, whichever is sooner; and
  - (C) Specifying that all persons engaged in the practice of midwifery as required by this measure shall be licensed by January 1, 2024;
- (6) Clarifying exemptions from licensure;
- (7) Authorizing the Director to establish fees by rule for purposes of the licensed midwife program;
- (8) Clarifying requirements for application for licensure as a certified professional midwife;
- (9) Specifying that the first triennial renewal date for licensure shall be June 30, 2027;
- (10) Clarifying the grounds for refusal to renew, reinstate, or restore a license and for revocation, suspension, denial, or condition of a license;



- (11) Requiring current midwives to register with the Director, specifying the information that must be provided to the director; and setting the date for full licensure of all current midwives as January 1, 2024;
- (12) Removing language that would have established scope of practice for midwives, certified midwives, and certified professional midwives; requirements for care provided by licensed midwives; continuing education requirements; unprofessional conduct standards; global signature authority; penalties; and prescriptive authority and associated limitations;
- (13) Deleting language that would have repealed the licensed midwife program established by this measure on June 30, 2025;
- (14) Updating the purpose section;
- (15) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (16) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,




ROSALYN H. BAKER, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1033	CPH, JDC/WAM	2/13/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
CHANG, Stanley (VC)	✓			
KEOHOKALOLE, Jarrett				✓
NISHIHARA, Clarence K.	✓			
RUDERMAN, Russell E.	✓			
THIELEN, Laura H.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	6			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes