
A BILL FOR AN ACT

RELATING TO MIDWIVES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State first
2 began regulating midwives in 1931 by establishing a registration
3 requirement, which subsequently progressed to certification and
4 finally, licensure. However, the regulation of midwives was
5 repealed when, in 1998, nurse-midwives were placed under the
6 purview of the board of nursing. Despite the lack of
7 regulation, many individuals continued to practice midwifery and
8 many families in the community sought out midwifery services.

9 The legislature also finds that, per the Hawaii Regulatory
10 Licensing Reform Act, the State is required to regulate
11 professions or vocations where the health, safety, or welfare of
12 the consumer may be jeopardized by the nature of the service
13 offered by the provider. In 1998 and 2017, the legislature
14 requested the state auditor to conduct a sunrise analysis to
15 determine if regulation of midwives was warranted. While the
16 sunrise analysis conducted in 1998 through 1999 and reported in
17 Auditor's Report No. 99-14 determined that it was premature to



1 regulate midwives at that time, that report and the 2017
2 Auditor's Report No. 17-01 both determined that the nature of
3 the maternity and prenatal services provided by a midwife may
4 endanger the health and safety of women and newborns under the
5 midwife's care and, therefore, the profession of midwifery
6 should be subject to regulation. The Auditor's Report No. 17-01
7 in particular recommended the legislature consider establishing
8 a mandatory licensing framework for all midwives. Recognizing
9 the potential for harm to public health and safety posed by the
10 unregulated practice of midwifery, the legislature passed Act
11 32, Session Laws of Hawaii 2019 (Act 32), and established a
12 regulatory framework for the practice of midwifery that was
13 subsequently codified at chapter 457J, Hawaii Revised Statutes
14 (chapter 457J). Since the passage of Act 32, approximately
15 forty-one individuals have been licensed under chapter 457J.
16 These regulations are set to sunset on June 30, 2025, unless the
17 legislature takes action to continue the regulation of midwives.

18 The legislature further finds that, as part of its sunset
19 analysis, and reported in Auditor's Summary Report No. 25-03
20 (2025), the auditor found that the practice of midwifery posed a
21 clear and significant potential harm to the health and safety of



1 the public and that the State's policies regarding the
2 regulation of certain types of professions support the continued
3 regulation of the practice of midwifery in the form of full
4 licensure.

5 The legislature affirms that the practice of midwifery
6 under this Act does not include Native Hawaiian traditional and
7 customary practices. The legislature also affirms that
8 practicing midwifery according to this Act does not impede one's
9 ability to incorporate or provide cultural practices.

10 Accordingly, the purpose of this Act is to:

- 11 (1) Make regulatory laws for the practice of midwifery
12 permanent;
- 13 (2) Clarify the scope of practice of midwifery and
14 establish licensure requirements for certified
15 midwives and certified professional midwives,
16 including continuing education requirements;
- 17 (3) Grant global signature authority to midwives;
- 18 (4) Grant prescriptive authority to certified midwives and
19 amend the list of approved legend drugs that may be
20 administered by licensed midwives;



- 1 (5) Establish peer review and data submission requirements
2 for midwives;
- 3 (6) Affirm that the practice of midwifery does not include
4 Native Hawaiian traditional and customary practices;
- 5 (7) Clarify exemptions from licensure and grounds for
6 refusal to grant, renew, reinstate, or restore
7 licenses or for revocation, suspension, denial, or
8 condition of a license; and
- 9 (8) Clarify medical record availability and retention
10 requirements for the purposes of medical torts.

11 SECTION 2. Chapter 457J, Hawaii Revised Statutes, is
12 amended by adding eight new sections to be appropriately
13 designated and to read as follows:

14 **"§457J-A Scope of practice of midwifery. (a) The scope**
15 **of practice of midwifery means the full practice of midwifery,**
16 **regardless of compensation or personal profit, as determined by**
17 **the director, rules adopted by the director, and midwifery**
18 **standards established or recognized by the director pursuant to**
19 **this chapter. The scope of practice of midwifery shall be based**
20 **on and be consistent with a midwife's education and national**
21 **certification, including but not limited to:**



- 1 (1) Evaluating the physical and psychosocial health status
2 of clients through a comprehensive health history
3 intake, physical examination, and risk assessment
4 based on observation, inspection, palpation,
5 percussion, and auscultation, of the client or clients
6 and using diagnostic instruments and procedures;
7 (2) Formulating a diagnosis;
8 (3) Observation, assessment, development, implementation,
9 and evaluation of a plan of care;
10 (4) Providing education and counseling related to the
11 health promotion, disease prevention, and health care
12 of midwife clients, with a particular focus on a
13 healthy pregnancy and childbirth, the postpartum
14 period, care of the newborn, and the family planning
15 and gynecological needs of midwife clients;
16 (5) Obtaining informed consent, as required by section
17 671-3, in accordance with the midwife's professional
18 requirements;
19 (6) Supervision and teaching of other personnel;
20 (7) Teaching of individuals, families, and groups;
21 (8) Provision of midwifery services via telehealth;



1 (9) Administration, evaluation, supervision, and

2 coordination, including the delegation of

3 administrative and technical clinical tasks, of

4 midwifery practice;

5 (10) Provision of health care to the client in

6 collaboration with other members of the health care

7 team as autonomous health care professionals providing

8 the midwifery component of health care;

9 (11) Serving as a consultant and resource of midwifery

10 clinical knowledge and skills to those involved

11 directly or indirectly in client care;

12 (12) Operating within a health care system that provides

13 for consultation, collaborative management, and

14 referral with other health care professionals;

15 (13) Referring clients who require care beyond the scope of

16 practice of the midwife to an appropriate health care

17 provider or health care facility, or both, equipped to

18 address the client's health care needs;

19 (14) Initiating and maintaining accurate records;



- 1 (15) Admitting and discharging clients for inpatient care
2 at freestanding birthing facilities licensed in the
3 State;
- 4 (16) Participating in joint and periodic evaluation of
5 services rendered such as peer review, including chart
6 reviews, case reviews, client evaluations, and outcome
7 of case statistics;
- 8 (17) Ordering, interpreting, and performing diagnostic,
9 screening, and therapeutic examinations, tests, and
10 procedures as authorized pursuant to this chapter and
11 within the midwife's role, education, and
12 certification, excluding the performance, supervision,
13 and interpretation of procedures utilizing ionizing
14 radiation; and
- 15 (18) Use of reasonable judgment in carrying out prescribed
16 medical orders of a physician or osteopathic physician
17 licensed pursuant to chapter 453 or an advanced
18 practice registered nurse licensed pursuant to
19 chapter 457, orders of a physician assistant licensed
20 and practicing with physician supervision pursuant to
21 chapter 453 and acting as the agent of the supervising



1 physician, or orders of a midwife in accordance with
2 this chapter.

3 (b) The scope of practice of midwifery as a certified
4 midwife includes but is not limited to:

5 (1) Assessing and diagnosing clients and the prescription,
6 selection, and administration of therapeutic measures,
7 including over the counter drugs or legend drugs, or
8 both, according to this chapter; the provision of
9 expedited partner therapy pursuant to section 453-52;
10 and controlled substances within the certified
11 midwife's education, certification, and role and in
12 accordance with this chapter;

13 (2) Complying with the Standards for the Practice of
14 Midwifery, or successor document, of the American
15 College of Nurse-Midwives and American Midwifery
16 Certification Board, or successor organizations;
17 provided that the American College of Nurse-Midwives
18 and American Midwifery Certification Board shall have
19 no legal authority over the director and shall have no
20 legal authority or powers of oversight of the director



1 in the exercise of the director's powers and duties
2 authorized by law;

3 (3) Assisting in surgery; and

4 (4) Admitting and discharging clients for inpatient care
5 at facilities licensed in the State as hospitals.

6 (c) The scope of practice of midwifery as a certified
7 professional midwife includes but is not limited to:

8 (1) Assessing and diagnosing clients and the selection and
9 administration of therapeutic measures according to
10 the formulary authorized by section 457J-11 within the
11 certified professional midwife's education,
12 certification, and role; and

13 (2) Complying with the Essential Competencies for
14 Midwifery Practice, or successor document, as defined
15 by the International Confederation of Midwives, or
16 successor organization; provided that the
17 International Confederation of Midwives shall have no
18 legal authority over the director and shall have no
19 legal authority or powers of oversight of the director
20 in the exercise of the director's powers and duties
21 authorized by law.



(d) A midwife shall comply with the requirements of this chapter; recognize limits of the midwife's training and experience and have transfer of care protocols for situations that exceed the scope of authorized practice; consult with or refer clients to other health care providers, as appropriate; and participate in data submission and peer review requirements adopted by the department; provided that peer review conducted outside of the department shall not be used to replace investigations against a midwife licensed pursuant to this chapter by the regulated industries complaints office of the department.

§457J-B Care provided by midwives; requirements. (a) A midwife shall continually assess the appropriateness of the planned location of birth and shall refer to the American College of Nurse-Midwives Clinical Bulletin Number 61: Midwifery Provision of Home Birth Services (November 2015), or succeeding document, for guidance, taking into account the health and condition of the midwife's client; provided that the American College of Nurse-Midwives shall have no legal authority or powers of oversight over the director in the exercise of the director's powers and duties authorized by law.



1 (b) If the midwife determines that a condition of the
2 midwife's client or clients is outside of the midwife's scope of
3 practice, the midwife shall refer the client or clients to an
4 appropriate health care provider or health care facility, or
5 both, equipped to address the client's health care needs;
6 provided that the midwife shall collaborate with the client or
7 clients or the client's guardian to document what factors will
8 necessitate a change in birth settings to an emergency setting
9 in response to emerging conditions outside the scope of practice
10 of the midwife.

11 (c) If the midwife is attending a birth at a location
12 without a physician and an operating room and determines during
13 the midwife's care that the client or clients face imminent
14 morbidity or mortality, the midwife shall activate the 911
15 system and initiate transfer of care protocols.

16 (d) If the midwife transfers care of the midwife's client
17 or clients during the intrapartum or immediate postpartum
18 period, the midwife shall provide the receiving provider with,
19 at minimum, the information regarding the midwife's client or
20 clients listed on the transfer form adopted by the department.



1 The transfer form may include reasons for the transfer, brief
2 relevant clinical history, and planned mode of transport.

3 (e) If the midwife's client or the midwife's client's
4 guardian declines assistance from appropriate licensed health
5 care providers or the 911 system, the midwife shall continually
6 urge the client or the client's guardian to transfer care to an
7 appropriate licensed health care provider and may continue to
8 provide care to save the life of the client or the newborn;
9 provided that the midwife shall only perform actions within the
10 midwife's scope of practice.

11 **§457J-C License renewal continuing education requirement.**

12 (a) Beginning July 1, 2026, each midwife shall provide
13 documentation of successful completion of thirty contact hours
14 during the prior triennium of appropriate continuing education
15 that is related to the practice of midwifery.

16 (b) Each licensee practicing as a certified midwife shall
17 provide documentation of successful completion of continuing
18 education that is from accredited colleges or universities or
19 approved by an organization recognized by the Continuing
20 Education Policy, or successor document, of the American
21 Midwifery Certification Board, or successor organization;



1 provided that a minimum of eight hours of continuing education
2 shall be in pharmacology.

3 (c) Each licensee practicing as a certified professional
4 midwife shall provide documentation of successful completion of
5 continuing education that is from an accredited college or
6 university or granted by an accrediting organization recognized
7 by the North American Registry of Midwives, or successor
8 organization; provided that six hours of continuing education
9 shall include treatment of shock and intravenous therapy and
10 suturing.

11 (d) This section shall not apply to a licensee who has
12 graduated from a midwifery program approved by the director
13 within the twelve months before the renewal date of the
14 licensee's first license renewal period.

15 (e) The director may extend the deadline for compliance
16 with the continuing education requirements established by this
17 section on a case-by-case basis; provided that before the
18 expiration of a license, the midwife seeking an extension shall
19 submit a written request for the extension and any documentation
20 required by the director to substantiate the reason for an



1 extension of the deadline for compliance with the continuing
2 education requirements established by this section.

3 (f) Each licensee shall maintain the licensee's continuing
4 education records for no less than six years.

5 (g) The director may conduct random audits of licensees to
6 determine compliance with the continuing education requirement.

7 The director shall provide written notice of an audit to all
8 licensees randomly selected for audit. Within sixty days of
9 notification, the licensee shall provide the director with
10 documentation verifying compliance with the continuing education
11 requirement established by this section.

12 **§457J-D Global signature authority.** Midwives shall be
13 authorized to sign, certify, or endorse all documents relating
14 to health care provided for their clients within their scope of
15 practice, including temporary disability insurance forms,
16 verification and evaluation forms of the department of human
17 services, and verification and authorization forms of the
18 department of health; provided that nothing in this section
19 shall be construed to expand the scope of practice of midwifery.

20 **§457J-E Prescriptive authority.** (a) Prescriptive
21 authority shall be granted solely to midwives practicing as



certified midwives and shall not be granted to midwives practicing as certified professional midwives. Midwives practicing as certified midwives shall only prescribe those drugs appropriate to midwifery care as recognized by the director and in accordance with the current exclusionary formulary defined by the board of nursing for advanced practice registered nurses.

(b) Only a midwife practicing as a certified midwife may communicate, represent, or imply in any manner, including through the use of a sign, card, or device, that the person is a midwife who is authorized to prescribe.

(c) A midwife practicing as a certified midwife shall comply with all applicable federal and state laws, regulations, and rules relating to the prescription, dispensing, and administration of drugs. A midwife practicing as a certified midwife shall only prescribe and administer over the counter drugs, legend drugs, and controlled substances pursuant to this chapter and chapter 329. A midwife practicing as a certified midwife may request, receive, and dispense a manufacturer's prepackaged samples of over the counter and non-controlled legend drugs to patients under the midwife's care; provided that



1 the midwife practicing as a certified midwife shall not request,
2 receive, or sign for samples of controlled substances. A
3 midwife practicing as a certified midwife may prescribe, order,
4 and dispense medical devices and equipment that are appropriate
5 to the midwife's scope of practice and plan and initiate a
6 therapeutic regimen that includes nutritional, diagnostic, and
7 supportive services including home health care, hospice, and
8 physical and occupational health.

9 (d) Prescriptions issued by a midwife practicing as a
10 certified midwife shall be written in accordance with section
11 329-38.

12 (e) It shall be a violation of this chapter for a midwife
13 practicing as a certified professional midwife to communicate,
14 represent, or imply in any manner, including through the use of
15 any sign, card, or device, that the person is a midwife with
16 prescriptive authority.

17 **§457J-F Reporting requirements.** (a) Every midwife who
18 does not possess professional liability insurance shall report
19 in writing any settlement or arbitration award of a claim or
20 action for damages for death or personal injury caused by
21 negligence, error, or omission in practice, or the unauthorized



1 rendering of professional services. The report shall be
2 submitted to the director within thirty days after any written
3 settlement agreement has been reduced to writing and signed by
4 all the parties or within thirty days after service of the
5 arbitration award on the parties.

6 (b) Failure to comply with this section shall be an
7 offense punishable by a fine of no less than \$100 for the first
8 offense, \$250 to \$500 for the second offense, and \$500 to \$1,000
9 for any subsequent offense.

10 **§457J-G Peer review requirements; license renewal.** (a)
11 Beginning June 30, 2029, each midwife shall, as a condition of
12 license renewal:

13 (1) Participate in a Hawaii-based peer review during each
14 triennium subject to the requirements of section
15 624-25.5;

16 (2) Attest that the midwife has completed a peer review
17 for a minimum of five of the midwife's clinical cases
18 from the prior triennium, and if the intended place of
19 birth of the clinical case presented was not a birth
20 facility, the midwife shall complete that clinical
21 case peer review with at least two midwives licensed



1 in the State who were not involved in the clinical
2 cases under review; and

3 (3) Attest that the midwife has completed a peer review
4 within ninety days of any case that includes
5 conditions outside of the midwife's scope of practice;
6 uterine rupture; or maternal or neonatal
7 hospitalization for infection, blood transfusion,
8 intensive care unit admission, infant failure to
9 thrive, neonatal Apgar Score of less than seven at
10 five minutes, emergent transfer of care, or mortality.

11 (b) If the midwife has served fewer than five clients in
12 the prior triennium, the requirements of subsection (a)(2) may
13 be waived upon a determination by the department; provided that
14 if the requirements of subsection (a)(2) are waived, the midwife
15 shall participate in the review of five cases of another midwife
16 practicing in the State.

17 (c) The midwife shall receive written confirmation of
18 participation in a Hawaii-based peer review process and shall
19 maintain copies of the midwife's participation records.



§457J-H Data submission requirements; license renewal.

(a) The department may require a midwife, as a condition of license renewal, to:

(1) Submit data to an organization approved by the department for every gestational parent and newborn under the midwife's care when the intended place of birth at any point in care is not a birth facility. If a gestational parent declines to participate in the collection of data, the midwife shall follow the protocol established by the department; and

(2) Attest that the midwife has submitted data annually during the prior triennium.

(b) The data submission requirements may be waived if the midwife attests that the midwife has not provided midwifery care to any clients during the prior triennium or that the intended place of birth for all clients of the midwife was a birth facility throughout the duration of care.

(c) The midwife shall receive written confirmation of participation in data submission from the department-approved organization and shall maintain copies of the midwife's participation records."



SECTION 3. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

"§26H-4 Repeal dates for newly enacted professional and vocational regulatory programs. ~~[(a)]~~ Any professional or vocational regulatory program enacted after January 1, 1994, and listed in this section shall be repealed as specified in this section. The auditor shall perform an evaluation of the program, pursuant to section 26H-5, before its repeal date.

~~[(b) Chapter 457J (midwives) shall be repealed on June 30, 2025.]~~"

SECTION 4. Section 329-1, Hawaii Revised Statutes, is amended as follows:

1. By adding a new definition to be appropriately inserted and to read:

"Licensed midwife practicing as a certified midwife" means a person licensed under chapter 457J who is registered under this chapter to administer or prescribe a controlled substance; provided that a licensed midwife practicing as a certified midwife shall not be authorized to request, receive, or sign for professional controlled substance samples."



2. By amending the definition of "designated member of the health care team" to read:

"Designated member of the health care team" includes physician assistants, advanced practice registered nurses, licensed midwives practicing as certified midwives, and covering physicians who are authorized under state law to prescribe drugs."

3. By amending the definition of "practitioner" to read:

"Practitioner" means:

(1) A physician, dentist, veterinarian, scientific investigator, or other person licensed and registered under section 329-32 to distribute, dispense, or conduct research with respect to a controlled substance in the course of professional practice or research in this State;

(2) An advanced practice registered nurse with prescriptive authority licensed and registered under section 329-32 to prescribe and administer controlled substances in the course of professional practice in this State; ~~[and]~~



1 (3) A licensed midwife practicing as a certified midwife
2 registered under section 329-32 to prescribe and
3 administer controlled substances in the course of
4 professional practice in this State; and

5 [~~3~~] (4) A pharmacy, hospital, or other institution
6 licensed, registered, or otherwise permitted to
7 distribute, dispense, conduct research with respect to
8 or to administer a controlled substance in the course
9 of professional practice or research in this State."

10 SECTION 5. Section 453-51, Hawaii Revised Statutes, is
11 amended by amending the definition of "health professional" to
12 read as follows:

13 "'Health professional" means any of the following:

14 (1) A person licensed or otherwise authorized by law to
15 practice medicine or surgery under this chapter and
16 whose scope of practice includes the diagnosis and
17 treatment of sexually transmitted diseases;

18 (2) An advanced practice registered nurse with
19 prescriptive authority under chapter 457 and duly
20 licensed in the State; [~~or~~]



1 (3) A licensed midwife practicing as a certified midwife
2 with prescriptive authority under chapter 457J and
3 duly licensed in the State; or

4 ~~[(3)]~~ (4) For the purpose of dispensing antibiotic therapy
5 under this section, a pharmacist who is licensed or
6 otherwise authorized to engage in the practice of
7 pharmacy under chapter 461."

8 SECTION 6. Section 457J-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "[~~+~~]**\$457J-1**[~~+~~] **Findings and purpose.** The legislature
11 finds that:

12 (1) Midwives offer reproductive health care and maternity
13 and newborn care [~~from the antepartum period through~~
14 ~~the intrapartum period to the postpartum period;~~] to
15 clients seeking midwifery services;

16 (2) The improper practice of midwifery poses a significant
17 risk of harm to [~~the mother or newborn,~~] any client
18 receiving midwifery services and may result in death;
19 and

20 (3) The regulation of the practice of midwifery is
21 reasonably necessary to protect the health, safety,



1 and welfare of [~~mothers~~] persons choosing midwifery
2 services and their newborns."

3 SECTION 7. Section 457J-2, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding five new definitions to be appropriately
6 inserted and to read:

7 "American College of Nurse-Midwives" means the
8 professional association that represents and sets the standards
9 for practice through core competencies and scope of practice for
10 certified nurse-midwives and certified midwives in the United
11 States.

12 "Birth facility" means a hospital or a freestanding
13 birthing facility licensed in the State.

14 "Peer review" means the candid review and evaluation,
15 subject to section 624-25.5, of the practice of midwifery.

16 "Peer review" includes but is not limited to reviewing the care
17 provided by midwives, making recommendations for quality
18 improvement, and identifying areas where additional education or
19 skills training is needed.

20 "Practice of midwifery" means the independent provision of
21 care, including initial and ongoing comprehensive assessment,



1 diagnosis, and treatment during pregnancy, childbirth, the
2 postpartum period, and for healthy newborns; sexual and
3 reproductive health; gynecologic health; and family planning
4 services, including preconception care according to the
5 midwife's scope of practice for all persons seeking midwifery
6 care in all settings through the performance of professional
7 services commensurate with the educational preparation and
8 demonstrated competency of the individual having specialized
9 training, and skill based on the principles of the biological,
10 physical, behavioral, and sociological sciences and midwifery
11 theory, whereby the individual shall be accountable and
12 responsible to the client for the quality of midwifery care
13 rendered. "Practice of midwifery" does not include Native
14 Hawaiian traditional and customary practices as protected under
15 article XII, section 7, of the Hawaii State Constitution.

16 "Telehealth" means the use of telecommunications as defined
17 in section 269-1, to encompass four modalities--store and
18 forward technologies, remote monitoring, live consultation, and
19 mobile health--and which shall include but not be limited to
20 real-time video conferencing-based communication, secure
21 interactive and non-interactive web-based communication, and



1 secure asynchronous information exchange, to transmit client
2 medical information, including diagnostic-quality digital images
3 and laboratory results for medical interpretation and diagnosis,
4 for the purposes of: delivering enhanced health care services
5 and information while a client is at an originating site and the
6 midwife is at a distant site; establishing a midwife-client
7 relationship; evaluating a client; or treating a client. Except
8 as provided through an interactive telecommunications system,
9 standard telephone contacts, facsimile transmissions, or e-mail
10 text, in combination or alone, do not constitute telehealth
11 services."

12 2. By amending the definitions of "certified midwife" and
13 "certified professional midwife" to read:

14 ""Certified midwife" means a person who has graduated from
15 a graduate-level accredited educational program in midwifery,
16 accredited by the Accreditation Commission for Midwifery
17 Education, or successor organization, and who holds a current
18 and valid national certification as a certified midwife from the
19 American Midwifery Certification Board, or any successor
20 organization.



1 "Certified professional midwife" means a person who has
2 graduated from an accredited educational program or pathway in
3 midwifery, accredited by the Midwifery Education Accreditation
4 Council, or successor organization, and who holds a current and
5 valid national certification as a certified professional midwife
6 from the North American Registry of Midwives, or any successor
7 organization. A certified professional midwife who received
8 their certification through a non-accredited educational pathway
9 shall have obtained a midwifery bridge certificate from the
10 North American Registry of Midwives, or any successor
11 organization."

12 3. By amending the definitions of "interconception" and
13 "International Confederation of Midwives" to read:

14 ""Interconception" means care provided to [~~mothers~~]
15 birthing people between pregnancies to improve health outcomes
16 for [~~women,~~] birthing people and newborns[~~, and children~~].

17 "International Confederation of Midwives" means the
18 accredited nongovernmental organization and representative of
19 midwives and midwifery to organizations worldwide to achieve
20 common goals in the care of [~~mothers~~] birthing people and
21 newborns."



1 4. By amending the definition of "postpartum" to read:

2 ""Postpartum" means the period of time immediately after
3 and up to ~~[eight]~~ six weeks following ~~[the]~~ birth ~~[of the~~
4 ~~baby]~~."

5 5. By repealing the definition of "midwifery":

6 ~~[""Midwifery" means the provision of one or more of the~~
7 ~~following services:~~

8 ~~(1) Assessment, monitoring, and care during pregnancy,~~
9 ~~labor, childbirth, postpartum and interconception~~
10 ~~periods, and for newborns, including ordering and~~
11 ~~interpreting screenings and diagnostic tests, and~~
12 ~~carrying out appropriate emergency measures when~~
13 ~~necessary;~~

14 ~~(2) Supervising the conduct of labor and childbirth; and~~

15 ~~(3) Provision of advice and information regarding the~~
16 ~~progress of childbirth and care for newborns and~~
17 ~~infants-"]~~

18 SECTION 8. Section 457J-6, Hawaii Revised Statutes, is
19 amended to read as follows:



1 "~~{}~~§457J-6~~{}~~ Exemptions. (a) ~~[A person may practice~~
2 ~~midwifery without a license to practice midwifery if the]~~ This
3 chapter shall not apply to a person who is:

4 (1) A certified nurse-midwife holding a valid license
5 under chapter 457;

6 (2) Licensed and performing work within the scope of
7 practice or duties of the person's profession that
8 overlaps with the practice of midwifery; provided that
9 the person does not use the title "midwife", "licensed
10 midwife", or the abbreviation "L.M.", or any other
11 words, letters, abbreviations, or insignia indicating
12 or implying that the person is a midwife;

13 (3) A student ~~[midwife who is]~~ currently enrolled in a
14 midwifery educational program and under the direct
15 supervision of a qualified midwife preceptor; provided
16 that the practice of midwifery is incidental to the
17 program of study engaged by the student;

18 ~~[-(4)- A person rendering aid in an emergency where no fee~~
19 ~~for the service is contemplated, charged, or received;~~
20 ~~or~~



~~(5) A person acting as a birth attendant on or before
July 1, 2023, who:~~

~~(A) Does not use legend drugs or devices, the use of
which requires a license under the laws of the
State;~~

~~(B) Does not advertise that the person is a licensed
midwife;~~

~~(C) Discloses to each client verbally and in writing
on a form adopted by the department, which shall
be received and executed by the person under the
birth attendant's care at the time care is first
initiated;~~

~~(i) That the person does not possess a
professional license issued by the State to
provide health or maternity care to women or
infants;~~

~~(ii) That the person's education and
qualifications have not been reviewed by the
State;~~

~~(iii) The person's education and training;~~



1 ~~(iv) That the person is not authorized to~~
2 ~~acquire, carry, administer, or direct others~~
3 ~~to administer legend drugs;~~

4 ~~(v) Any judgment, award, disciplinary sanction,~~
5 ~~order, or other determination that adjudges~~
6 ~~or finds that the person has committed~~
7 ~~misconduct or is criminally or civilly~~
8 ~~liable for conduct relating to midwifery by~~
9 ~~a licensing or regulatory authority,~~
10 ~~territory, state, or any other jurisdiction;~~
11 ~~and~~

12 ~~(vi) A plan for transporting the client to the~~
13 ~~nearest hospital if a problem arises during~~
14 ~~the client's care; and~~

15 ~~(D) Maintains a copy of the form required by~~
16 ~~subparagraph (C) for at least ten years and makes~~
17 ~~the form available for inspection upon request by~~
18 ~~the department.~~

19 ~~(b) Nothing in this chapter shall prohibit healing~~
20 ~~practices by traditional Hawaiian healers engaged in traditional~~
21 ~~healing practices of prenatal, maternal, and child care as~~



~~1 recognized by any council of kupuna convened by Papa Ola Lokahi.~~
~~2 Nothing in this chapter shall limit, alter, or otherwise~~
~~3 adversely impact the practice of traditional Native Hawaiian~~
~~4 healing pursuant to the Constitution of the State of Hawaii.~~

~~5 (c) Nothing in this chapter shall prohibit a person from~~
~~6 administering]~~

7 (4) Practicing Native Hawaiian traditional and customary
8 practices as protected under article XII, section 7,
9 of the Hawaii State Constitution;

10 (5) Providing services in the case of emergency or the
11 domestic administration of family remedies; or

12 (6) Administering care to [a] the person's spouse,
13 domestic partner, parent, sibling, or child.

14 (b) It shall not be a violation of this chapter for a
15 person invited by a patient to be present at a birth occurring
16 at a location other than a birth facility; provided that the
17 person shall not use the title "midwife", "licensed midwife", or
18 engage in the practice of midwifery, unless otherwise licensed
19 under this chapter."

20 SECTION 9. Section 457J-8, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " ~~[§]~~§457J-8~~[§]~~ **Application for license as a midwife.** (a)

2 To obtain a license under this chapter, the applicant shall
3 provide:

4 (1) An application for licensure;

5 (2) The required fees;

6 ~~[(3) Proof of current, unencumbered certification as a:~~

7 ~~(A) Certified professional midwife; or~~

8 ~~(B) Certified midwife;~~

9 ~~(4) For certified professional midwives, proof of a~~

10 ~~successful completion of a formal midwifery education~~

11 ~~and training program that is either:~~

12 ~~(A) An educational program or pathway accredited by~~

13 ~~the Midwifery Education Accreditation Council; or~~

14 ~~(B) A midwifery bridge certificate issued by the~~

15 ~~North American Registry of Midwives for certified~~

16 ~~professional midwife applicants who either~~

17 ~~obtained certification before January 1, 2020,~~

18 ~~through a non-accredited pathway, or who have~~

19 ~~maintained licensure in a state that does not~~

20 ~~require accredited education;]~~



- 1 (3) A copy of current certification in adult and pediatric
2 cardiopulmonary resuscitation by the American Heart
3 Association, Red Cross, or American Safety and Health
4 Institute Basic Life Support that includes a hands-on
5 skill component; provided that the certification shall
6 be current at the time of licensure and the licensee
7 shall be responsible for maintaining current
8 certification throughout the license period;
- 9 (4) A copy of current certification in a neonatal
10 resuscitation program of the American Academy of
11 Pediatrics that includes a hands-on skills component;
12 provided that the certification shall be current at
13 the time of licensure and the licensee shall be
14 responsible for maintaining current certification
15 throughout the license period;
- 16 (5) If applicable, evidence of any licenses held or once
17 held in other jurisdictions indicating the status of
18 the license and documenting any disciplinary
19 proceedings pending or taken by any jurisdiction;
- 20 (6) Information regarding any conviction of any crime
21 ~~[which]~~ that has not been annulled or expunged; ~~[and]~~



- 1 (7) Any other information the department may require to
2 investigate the applicant's qualifications for
3 licensure[-];
- 4 (8) Any additional requirements adopted by the director;
5 and
- 6 (9) Evidence of qualifications for licensure.
- 7 (b) Evidence of qualifications for licensure as a
8 certified midwife shall consist of the following:
- 9 (1) Proof of current, unencumbered certification as a
10 certified midwife by the American Midwifery
11 Certification Board or a successor organization;
- 12 (2) Proof of successful completion of a graduate-level
13 midwifery program accredited by the Accreditation
14 Commission for Midwifery Education, or successor
15 organization, leading to a master's degree or higher
16 as a midwife; and
- 17 (3) Proof of successful completion of at least thirty
18 contact hours, as part of a master's degree program or
19 higher from a college or university accredited by the
20 Accreditation Commission for Midwifery Education, or
21 successor organization, of advanced pharmacology



1 education, including advanced pharmacotherapeutics
2 that is integrated into the curriculum, within three
3 years immediately preceding the date of application.

4 If the advanced pharmacology education in a master's
5 degree program was completed before the three-year
6 time period immediately preceding the date of
7 application, then one of the following shall be
8 completed within the three-year time period
9 immediately preceding the date of application for
10 initial prescriptive authority:

11 (A) At least thirty contact hours of advanced
12 pharmacology, including advanced
13 pharmacotherapeutics, from a college or
14 university accredited by the Accreditation
15 Commission for Midwifery Education, or successor
16 organization; or

17 (B) At least thirty contact hours of continuing
18 education in advanced pharmacology, including
19 advanced pharmacotherapeutics, approved by the
20 Continuing Education Policy, or successor
21 document, of the American Midwifery Certification



1 Board, or successor organization; provided that
2 the continuing education pharmacology contact
3 hours shall be related to the applicant's scope
4 of midwifery practice.

5 (c) Evidence of qualifications for licensure as a
6 certified professional midwife shall consist of the following:

7 (1) Proof of current and valid certification as a
8 certified professional midwife by the North American
9 Registry of Midwives or a successor organization; and

10 (2) Proof of successful completion of a formal midwifery
11 education and training program as follows:

12 (A) A midwifery educational program or pathway
13 accredited by the Midwifery Education
14 Accreditation Council, or successor organization,
15 or another nationally recognized accrediting
16 agency approved by the United States Department
17 of Education; or

18 (B) A midwifery bridge certificate issued by the
19 North American Registry of Midwives, or successor
20 organization."



SECTION 10. Section 457J-10, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]~~**457J-10**~~[§]~~ **Renewals.** (a) Every license issued under this chapter shall be renewed triennially on or before June 30, with the first renewal deadline occurring on June 30, 2023. Failure to renew a license shall result in a forfeiture of the license. Licenses ~~[which]~~ that have been so forfeited may be restored within one year of the expiration date upon payment of renewal and penalty fees. Failure to restore a forfeited license within one year of the date of its expiration shall result in the automatic termination of the license. Relicensure after termination shall require the person to apply as a new applicant and again satisfy all licensing requirements in place at the time of the new application.

(b) For each license renewal, the licensee shall:

(1) Pay all required nonrefundable fees;

(2) Submit a completed renewal application;

(3) Provide documentation of successful completion during the prior triennium of appropriate continuing education as required pursuant to section 457J-C;



- 1 (4) Provide a copy of current certification in adult and
2 pediatric cardiopulmonary resuscitation by the
3 American Heart Association, Red Cross, or American
4 Safety and Health Institute Basic Life Support that
5 includes a hands-on skill component; provided that the
6 certification shall be current at the time of renewal
7 and the licensee shall be responsible for maintaining
8 current certification throughout the license period;
9 (5) Provide a copy of current certification in a neonatal
10 resuscitation program of the American Academy of
11 Pediatrics that includes a hands-on skills component;
12 provided that the certification shall be current at
13 the time of renewal and the licensee shall be
14 responsible for maintaining current certification
15 throughout the license period;
16 (6) By June 30, 2029, and every triennium thereafter,
17 complete the peer review requirements under section
18 457J-G; and
19 (7) Submit data to an organization approved by the
20 department as may be required under section 457J-H."



SECTION 11. Section 457J-11, Hawaii Revised Statutes, is amended to read as follows:

"[+]§457J-11[+] Authority to purchase and administer certain legend drugs and devices. (a) A midwife licensed under this chapter may purchase and administer non-controlled legend drugs and devices that are used in pregnancy, birth, postpartum care, newborn care, or resuscitation, and that are deemed integral to providing care to the public by the department.

(b) Legend drugs authorized under subsection (a) are limited for:

(1) Neonatal use to prophylactic ophthalmic medications, vitamin K, epinephrine for neonatal resuscitation per neonatal resuscitation guidelines, and oxygen; and

(2) Maternal use to antibiotics for Group B Streptococcal antibiotic prophylaxis per guidelines adopted by the Centers for Disease Control and Prevention[]; postpartum antihemorrhagics[]; Rho(D) immune globulin[]; epinephrine for anaphylactic reaction to an administered medication[]; intravenous fluids[]; amino amide local anesthetic[]; nitrous oxide for pain relief when used in a birth facility and in



1 accordance with facility policies; non-hormonal
2 contraceptives; hormonal implants pursuant to any
3 manufacturer certification requirements, as prescribed
4 by a licensed health care provider with prescriptive
5 authority under this chapter, chapter 453, or section
6 457-8.6; and oxygen.

7 Legend drugs authorized under subsection (a) shall not be used
8 to induce, stimulate, or augment labor during the first or
9 second stages of labor or before labor.

10 (c) Legend devices authorized under subsection (a) are
11 limited to devices for:

- 12 (1) Injection of medications;
- 13 (2) The administration of intravenous fluids;
- 14 (3) Adult and infant resuscitation;
- 15 (4) Rupturing amniotic membranes;
- 16 (5) Repairing vaginal tears; ~~[and]~~
- 17 (6) Postpartum hemorrhage~~[-]~~; and
- 18 (7) Mechanical, non-pharmacologic cervical dilation when
19 used at or after thirty-nine weeks gestation in
20 pregnancy.



(d) A pharmacist who dispenses drugs and devices to a midwife as authorized by this section and in conformity with chapter 461 is not liable for any adverse reactions caused by the midwife's administration of legend drugs and devices.

(e) Nothing in this section shall preclude a midwife practicing as a certified professional midwife from carrying out the prescribed medical orders of a physician or osteopathic physician licensed pursuant to chapter 453 or advanced practice registered nurse licensed pursuant to chapter 457; orders of a physician assistant licensed and practicing with physician supervision pursuant to chapter 453, and acting as the agent of the supervising physician; or orders of a recognized midwife practicing as a certified midwife in accordance with this chapter."

SECTION 12. Section 457J-12, Hawaii Revised Statutes, is amended to read as follows:

"[+]§457J-12[+] Grounds for refusal to grant, renew, reinstate, or restore licenses and for revocation, suspension, denial, or condition of licenses. In addition to any other acts or conditions provided by law, the director may refuse to grant, renew, reinstate, or restore, or may deny, revoke, suspend, or



1 condition in any manner, any license for any one or more of the
2 following acts or conditions on the part of the licensee or the
3 applicant thereof:

4 (1) Failing to meet or maintain the conditions and
5 requirements necessary to qualify for the granting of
6 a license;

7 (2) Failing to notify the department in writing that the
8 licensee's certification as a certified professional
9 midwife or as a certified midwife is no longer current
10 or unencumbered within thirty days of the change in
11 status;

12 (3) Engaging in false, fraudulent, or deceptive
13 advertising, or making untruthful or improbable
14 statements;

15 (4) Being addicted to, dependent on, or a habitual user of
16 ~~[a narcotic, barbiturate, amphetamine, hallucinogen,~~
17 ~~opium, or cocaine, or other drugs or derivatives of a~~
18 ~~similar nature;]~~ illicit substances, or abusing
19 controlled substances, or both;



- 1 (5) Practicing as a [~~licensed~~] midwife while impaired by,
2 at minimum, alcohol, drugs, non-accommodated physical
3 disability, or mental instability;
- 4 (6) Procuring a license through fraud, misrepresentation,
5 or deceit;
- 6 (7) Aiding and abetting an unlicensed person to directly
7 or indirectly perform activities requiring a
8 license[?], notwithstanding the delegation of
9 administrative and technical clinical tasks of
10 midwifery practice;
- 11 (8) Engaging in professional misconduct as defined by the
12 program in accordance with its own rules,
13 incompetence, gross negligence, or manifest incapacity
14 in the practice of midwifery;
- 15 (9) Failing to maintain a record or history of competency,
16 trustworthiness, fair dealing, and financial
17 integrity;
- 18 (10) Engaging in conduct or practice contrary to recognized
19 standards of ethics for the practice of midwifery;
- 20 (11) Violating any condition or limitation upon which a
21 conditional license was issued;



1 (12) Engaging in business under a past or present license
2 issued pursuant to this chapter, in a manner causing
3 injury to one or more members of the public;

4 (13) Failing to comply, observe, or adhere to any law in a
5 manner such that the director deems the applicant or
6 licensee to be an unfit or improper person to hold a
7 license;

8 (14) Having a revocation, suspension, or other disciplinary
9 action by a territory, or by another state or federal
10 agency against a licensee or applicant for any reason
11 provided by the licensing laws or this section;

12 (15) Having a criminal conviction, whether by nolo
13 contendere or otherwise, of a penal crime directly
14 related to the qualifications, functions, or duties of
15 a [~~licensed~~] midwife;

16 (16) Failing to report in writing to the director any
17 disciplinary decision issued against the licensee or
18 the applicant in another jurisdiction within thirty
19 days of the disciplinary decision;



1 (17) Employing, utilizing, or attempting to employ or
2 utilize at any time any person not licensed under this
3 chapter where licensure is required;

4 (18) Violating this chapter, any other applicable licensing
5 laws, or any rule or order of the director; ~~[or]~~

6 (19) Using or removing without authorization controlled
7 substances or drugs, including diverting or attempting
8 to divert drugs or controlled substances for
9 unauthorized use~~[or]~~;

10 (20) Failing to maintain current and valid certification in
11 adult and pediatric cardiopulmonary resuscitation of
12 by the American Heart Association, Red Cross, or
13 American Safety and Health Institute Basic Life
14 Support that includes a hands-on skill component; or

15 (21) Failing to maintain current and valid certification in
16 a neonatal resuscitation program of the American
17 Academy of Pediatrics that includes a hands-on skills
18 component."

19 SECTION 13. Section 671-1, Hawaii Revised Statutes, is
20 amended by amending the definition of "health care provider" to
21 read as follows:



1 ""Health care provider" means a physician, osteopathic
2 physician, surgeon, or physician assistant licensed under
3 chapter 453[~~r~~a]; podiatrist licensed under chapter 463E[~~r~~a];
4 health care facility as defined in section 323D-2[~~r~~]; midwife
5 licensed under chapter 457J; and the employees of any of them.
6 Health care provider shall not mean any nursing institution or
7 nursing service conducted by and for those who rely upon
8 treatment by spiritual means through prayer alone, or employees
9 of the institution or service."

10 SECTION 14. This Act does not affect rights and duties
11 that matured, penalties that were incurred, and proceedings that
12 were begun before its effective date.

13 SECTION 15. In codifying the new sections added by
14 section 2 of this Act, the revisor of statutes shall substitute
15 appropriate section numbers for the letters used in designating
16 the new sections in this Act.

17 SECTION 16. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 17. This Act shall take effect on July 1, 2050.



Report Title:

Midwives; Practice of Midwifery; Scope of Practice; Native Hawaiian and Customary Practices; Certified Midwives; Certified Professional Midwives; Licensure; Requirements; License Renewal; Prescriptive Authority; Peer Review; Data Submission; Medical Records

Description:

Makes laws regulating midwives and the practice of midwifery permanent. Clarifies the scope of practice of midwifery. Establishes licensure requirements for certified midwives and certified professional midwives. Establishes continuing education requirements. Grants global signature authority to midwives. Grants prescriptive authority to licensed midwives practicing as certified midwives and amends the list of approved legend drugs that may be administered by midwives. Establishes peer review and data submission requirements. Affirms that the practice of midwifery does not include Native Hawaiian traditional and customary practices. Clarifies exemptions from licensure and grounds for refusal to grant, renew, reinstate, or restore licenses or for revocation, suspension, denial, or condition of a license. Clarifies medical record availability and retention requirements for the purposes of medical torts. Effective 7/1/2050. (SD2)

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