

902 KAR 4:015. Nurse midwifery.

RELATES TO: KRS 211.090, 211.180

STATUTORY AUTHORITY: KRS 194.050, 211.090, 211.180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.180 authorizes the Cabinet for Human Resources to regulate the practice of midwifery in Kentucky, including the issuance of permits and the supervision of persons who practice midwifery. This administrative regulation is readopted by the Cabinet for Human Resources due to the failure of the 1984 General Assembly to confirm Executive Order 83-660, which had transferred the cabinet's function of regulating nurse midwifery to the Kentucky Board of Nursing. The function of this administrative regulation is to reinstate the regulatory authority of the cabinet over certain nurse midwives (a total of five (5)) that existed prior to Executive Order 83-660 to the extent that the cabinet may continue in effect permits heretofore issued.

Section 1. Practice of Nurse Midwifery Defined. The practice of nurse midwifery embodies the practice of professional nursing and the extension of that practice into the area of care and management of the essentially healthy woman and newborn during the childbearing processes.

Section 2. Practice of Nurse Midwifery without Permit Prohibited; Exception. No person shall engage or attempt to engage in the practice of nurse midwifery within this state, unless such person holds a valid and effective permit issued as herein provided. Persons licensed by the Kentucky Board of Nursing as an Advanced Registered Nurse Practitioner ("ARNP" - nurse midwife) are exempt from the provisions of this administrative regulation.

Section 3. Nurse Midwife Permits. New applications to practice nurse midwifery in the state of Kentucky shall not be accepted by the Cabinet for Human Resources; provided, however that persons who have heretofore been issued permits to practice nurse midwifery by the Cabinet for Human Resources or by the former Department of Health shall be entitled to a renewal of their existing permit.

Section 4. Nurse Midwife Practice Standards. All nurse midwives shall comply with the following practice standards and requirements. In such practice, the nurse midwife shall:

- (1) Render service to the mother and baby throughout the maternity cycle in such a way as to make a maximum contribution to their safety, health and welfare, including the control and prevention of complicating conditions and enhancing the childbearing experience;
- (2) Attempt to maintain the integrity of the mother and her family and encourage their participation in plans for her maternity care;
- (3) Not work as an independent practitioner but function within the boundaries of her professional competencies within the framework of medically approved protocols;
- (4) Work in collaboration with the physician and other health professionals;
- (5) Perform nurse midwifery services only under terms or conditions which permit the exercise of nurse midwifery judgment and skill and encourage a high quality of nurse midwifery care;
- (6) Strive continually to improve knowledge and skills and to make available to patients and coworkers the benefits of professional attainments;
- (7) Understand, utilize and encourage the contributions of other professional disciplines and community resources to maternity care; and
- (8) Demonstrate interest in and accept responsibility for participating in activities designed to improve the health and well-being of the family and the community.

Section 5. Permit Renewals. Nurse midwife permits issued under this administrative regulation

shall expire on December 31st every two (2) years but may, on proper application, be renewed provided the applicant is in full compliance with the provisions of this administrative regulation.

Section 6. Denial, Revocation or Suspension of Permit. The Cabinet for Human Resources may deny, revoke, probate, suspend or refuse to renew the permit of any midwife who has:

- (1) Had a license as a registered nurse revoked;
- (2) Been convicted of a felony involving moral turpitude;
- (3) Become habitually intemperate or is addicted to the use of habit-forming drugs;
- (4) Knowingly made or caused to be made or abetted in the making of any false statement in procuring or attempting to procure a permit or in the making of a birth or death certificate;
- (5) Developed such physical or mental disabilities that continued practice would be dangerous to the public or patients;
- (6) Engaged in dishonorable, unprofessional conduct of a character likely to deceive or defraud the public; or
- (7) Violated any of the provisions of this administrative regulation or any other administrative regulation of the Cabinet for Human Resources relating to the practice of nurse midwifery. (11 Ky.R. 1348; Am. 1608; eff. 5-14-85.)