

**314.404 Board of Nursing to promulgate administrative regulations based upon recommendations of the council -- Standards for training programs -- Licensing requirements -- Disciplinary action -- Fees -- Informed consent -- Authority to order medical tests and administer medications -- Information to be included in licensee's annual report to the board -- Requirement to report cases of newborn or maternal death -- Conditions requiring collaboration, consultation, or referral to a physician or other health care provider.**

The board shall promulgate administrative regulations, based upon recommendations of the council, in accordance with KRS Chapter 13A to:

- (1) Establish required standards for training programs for licensed certified professional midwives;
- (2) Establish licensing requirements for licensed certified professional midwives, including but not limited to:
  - (a) Educational requirements that are consistent with United States educational accreditation standards and the United States Midwifery Education, Regulation, and Association statement on the licensure of certified professional midwives;
  - (b) Competency validation certified by a national organization or agency that meets United States accreditation standards and recognized by the board; and
  - (c) Licensed certified professional midwife preceptor programs;
- (3) Establish statewide requirements for licensed certified professional midwives and hospitals regarding the transfer of care from a licensed certified professional midwife to a hospital as developed by the Transfer Guidelines Work Group established in KRS 314.414;
- (4) Establish provisions for disciplinary actions for licensed certified professional midwives;
- (5) Establish fees for the initial license not to exceed one thousand dollars (\$1,000), renewal of a license, reinstatement of a license, and other fees as may be necessary, for licensed certified professional midwives;
- (6) Establish requirements for informed consent by individuals receiving services from a licensed certified professional midwife, which shall include:
  - (a) A description of the licensed certified professional midwife's education and credentials;
  - (b) A description of the scope of practice of certified professional midwifery permitted under KRS 314.400 to 314.414, including a summary of the limitations of the skills and practices of a licensed certified professional midwife;
  - (c) Instructions for obtaining a copy of the administrative regulations promulgated by the board pursuant to this section;
  - (d) Instructions for filing complaints with the board;
  - (e) A written protocol for emergencies, including transfer to a higher level of care;

- (f) A description of the procedures, benefits, and risks of birth in the client's chosen environment, primarily those conditions that may arise during delivery;
  - (g) Disclosure of professional liability insurance held by the licensed certified professional midwife;
  - (h) A summary of the requirements for consultation, referral or transfer of care as promulgated by administrative regulation by the board under this section;
  - (i) Procedures established by the licensed certified professional midwife for referral or transfer of care of a client to a physician or other appropriate healthcare providers;
  - (j) Procedures established by the licensed certified professional midwife for consultation or collaboration; and
  - (k) Any other information deemed necessary by the board for the patient to provide informed consent for care by a licensed certified professional midwife;
- (7) Establish a list of medical tests that a licensed certified professional midwife may order when providing certified professional midwifery services that is limited to only those tests that are indicated and approved for the safe conduct of pregnancy, labor and birth, and care of a client and not intended for the diagnosis or management of any acute condition unrelated to pregnancy;
- (8) Establish a formulary of legend medications that a licensed certified professional midwife may obtain, transport, and administer when providing certified professional midwifery services that is limited to only those medications that are indicated and approved by the board for the safe conduct of pregnancy, labor and birth, and immediate care of the newborn, immediate management of obstetrical emergencies, or performance of routine prophylactic measures, and that the licensed certified professional midwife is approved to administer and monitor. This subsection shall not be interpreted to bestow prescriptive authority, and the formulary shall not include Schedule II, III, IV, or V drugs as defined in the Controlled Substances Act, 21 U.S.C. secs. 812 et seq.;
- (9) Further regulate, as necessary, the provision of certified professional midwifery services;
- (10) Require licensed certified professional midwives to report to the board annually as specified by the board the following information regarding cases in which the licensed certified professional midwife provided services when the intended place of birth at the onset of care was in an out-of-hospital setting:
- (a) The total number of clients provided certified professional midwife services at the onset of care;
  - (b) The number of live births attended as a licensed certified professional midwife;
  - (c) The number of cases of fetal demise, newborn deaths, and maternal deaths attended as a licensed certified professional midwife at the discovery of the demise or death;

- (d) The number, reason for, and outcome of each transport of a client in the antepartum, intrapartum, or immediate postpartum periods;
  - (e) A brief description of any complications resulting in the morbidity or mortality of a mother or a newborn;
  - (f) Planned location of delivery and the actual location of delivery; and
  - (g) Any other information deemed necessary by the board;
- (11) Require licensed certified professional midwives to report to the board, within thirty (30) days of the occurrence, a case of newborn or maternal death attended by a licensed certified professional midwife at the discovery of the death; and
- (12) Define a list of conditions requiring collaboration, consultation, or referral of a client to a physician or other appropriate licensed health care provider, and the process for such collaboration, consultation, or referral.

**Effective:** June 27, 2019

**History:** Created 2019 Ky. Acts ch. 104, sec. 3, effective June 27, 2019.