

314.408 Prohibited activities.

- (1) It shall be unlawful for any person to provide certified professional midwifery services as defined in KRS 314.400 unless that person is a licensed certified professional midwife currently issued a license by the board in accordance with KRS 314.400 to 314.414 or is an appropriate licensed health care provider providing services that are within his or her scope of practice.
- (2) It shall be unlawful for any person to hold herself or himself out as a licensed certified professional midwife or other skilled birth attendant authorized to provide prenatal care or manually assist in the delivery of an infant, or to provide the services defined in KRS 314.400(2) in Kentucky unless he or she has been issued a license by the board in accordance with KRS 314.400 to 314.414.
- (3) It shall be unlawful for any person to operate or to offer to operate or to represent or advertise the operation of a school or program of certified professional midwifery unless the school or program has been approved by the board to do so.
- (4) It shall be unlawful for any licensed certified professional midwife or employer of a licensed certified professional midwife having knowledge of facts to refrain from reporting to the board a licensed certified professional midwife who violates any provision set forth in administrative regulation for licensed certified professional midwives.
- (5) It shall be unlawful for any person to provide certified professional midwifery services who is listed on the nurse aide abuse registry with a substantiated finding of abuse, neglect, or misappropriation of property.
- (6) Nothing in KRS 314.400 to 314.414 shall prohibit a traditional birth attendant providing midwifery services without a license if the traditional birth attendant has cultural or religious traditions that have historically included the attendance of traditional birth attendants at birth, and the birth attendant serves only women and families in that distinct cultural or religious group.
- (7) Nothing in KRS 314.400 to 314.414 shall prohibit an appropriate licensed health care provider or other person from providing emergency care, including care of a precipitous delivery.
- (8) In accordance with KRS 311.723, a licensed certified professional midwife issued a license by the board in accordance with KRS 314.400 to 314.414 shall not perform an abortion.
- (9) Nothing in KRS 314.400 to 314.414 shall prohibit a person from providing self-care, or uncompensated care to a friend or family member, as long as the person does not hold himself or herself out to be a midwife or provider of certified professional midwifery services as defined under KRS 314.400.
- (10) Nothing in KRS 314.400 to 314.414 shall prohibit an employee or other individual who is assisting, and under the direct supervision of, a licensed certified professional midwife from performing activities or functions that are delegated by the licensed certified professional midwife and are within the licensed certified professional midwife's scope of practice as authorized by the board.
- (11) Nothing in KRS 314.400 to 314.414 shall prohibit an individual from performing

activities or functions that are delegated by the licensed certified professional midwife if that individual is a student of midwifery in a training program operating as authorized by the board, and is under the direct supervision of a qualified preceptor as authorized by the board.

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