

201 KAR 20:660. Licensed certified professional midwives duty to report.

RELATES TO: KRS 61.878(1)(i), 213.046, Chapter 209A, 314.400 – 314.414, 45 C.F.R. Part 164

STATUTORY AUTHORITY: KRS 314.131(1), 314.404

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations as may be necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.404(10) requires the board to promulgate an administrative regulation to require licensed certified professional midwives to report to the board annually as specified by the board 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. KRS 314.404(11) requires the board to promulgate an administrative regulation to 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 death. This administrative regulation establishes reporting requirements for licensed certified professional midwives and for the review of those reports.

Section 1. Pursuant to KRS 314.404(11), within thirty (30) days of a case of newborn or maternal death, the attending LCPM shall report the occurrence to the Board of Nursing on LCPM Incident Form.

Section 2. Pursuant to KRS 314.404(10), an LCPM shall report the following information on the LCPM Annual Report Form to the Board of Nursing on or before September 1 of each year for the period July 1 through June 30 preceding:

- (1) The total number of clients served;
- (2) The number of live births;
- (3) The number of cases of fetal demise, newborn deaths, and maternal deaths;
- (4) The number, reason for, and outcome of each transfer, or transport of a client in the antepartum, intrapartum, or immediate postpartum periods;
- (5) The number and reason for each referral of a client in the antepartum, intrapartum, or immediate postpartum periods;
- (6) A brief description of any complications resulting in the morbidity or mortality of a mother or a newborn for the first six (6) weeks; and
- (7) The planned location of the delivery and the actual location of the delivery if it is different.

Section 3. The LCPM Advisory Council shall review all reports.

Section 4.

- (1) The LCPM shall comply with the requirements of KRS 213.046 regarding the reporting of birth.
- (2) The LCPM shall comply with the requirements of KRS Chapter 209A regarding reporting of suspected domestic violence.

Section 5.

- (1) Each LCPM Incident Form and LCPM Annual Report Form submitted for LCPM Advisory Council review in accordance with Sections 1 through 3 of this administrative regulation shall be regarded as correspondence with private individuals, not notice of the final action of a public agency, and shall not be disclosed to the public.
- (2) The Kentucky Board of Nursing shall make public aggregate incident and annual report data that does not identify individual licensees or information that would violate the confidentiality of information or knowledge concerning any patient, except as

authorized or required by law such as pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. No. 104-191, 110 Stat. 1936.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "LCPM Incident Form", 1/2020; and
- (b) "LCPM Annual Report Form", 12/2020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://kbn.ky.gov/legalopinions/Pages/laws.aspx>.

(46 Ky.R. 2172, 2901; eff. 7-29-2020; 47 Ky.R. 1827, 2584; eff. 6-16-2021.)