



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Health

- Preproposal Statement of Inquiry was filed as WSR 13-15-141 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

Title of rule and other identifying information: (Describe Subject)

Chapter 246-834 WAC (Midwives). Amending 246-834-060 (application requirements for licensure as a midwife); creating a new 246-834-066 (certified professional midwife (CPM) bridging program); creating a new 246-834-067 (preceptor for CPM bridging program); creating a new 246-834-068 (trainee permit for CPM bridging program); amending 246-834-220 (midwife-in-training, credit toward educational requirements for licensure as a midwife); amending 246-834-230 (preceptor for midwife-in-training program); amending 246-834-240 (trainee permit for midwife-in-training program).

Hearing location(s): Department of Health
Town Center Two, Room 158
111 Israel Road SE
Tumwater, WA 98501

Date: 06/15/2015 Time: 10:00 am

Submit written comments to:

Name: Kathy Weed
Address: PO Box 47852
Olympia, WA 98504-7852
e-mail: <http://www3.doh.wa.gov/policyreview/>
fax 360-236-2901 by (date) 06/15/2015

Assistance for persons with disabilities: Contact

Kathy Weed by 06/08/2015

TTY (800) 833-6388 or () 711

Date of intended adoption: 07/15/2015

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed rules provide a bridge program for midwives who have completed national certification as a certified professional midwife (CPM) but don't meet all of the requirements for a Washington credential. Upon implementation, the rule will streamline and expedite the application process for those that did not graduate from an approved midwifery program. This new CPM route to licensure may also increase the number of midwifery applicants. General housekeeping is also being done in some sections in order to clarify the language and to better reflect current department practices.

Reasons supporting proposal:

2SHB 1773 (Chapter 187, Laws of 2014) Section 2, requires the Secretary to write rules to bridge the gap between requirements of national certification of CPM's and state requirements for licensure of midwives. In addition to the requirements of 2SHB 1773, the application requirements section and the midwife-in-training section are being updated to reflect current practices.

Statutory authority for adoption:

RCW 18.50.065, 18.50.135 and 18.50.040

Statute being implemented:

RCW 18.50.065

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE 05/01/2015

NAME (type or print)

Dennis Worsham for John Wiesman, DrPH, MPH

SIGNATURE

for John Wiesman, DrPH, MPH

TITLE

Deputy Secretary for Secretary of Health

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 01, 2015

TIME: 12:07 PM

WSR 15-10-063

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington State Department of Health

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kathy Weed	111 Israel Rd, Tumwater WA 98501	360-236-4883
Implementation.... Kathy Weed	111 Israel Rd, Tumwater WA 98501	360-236-4883
Enforcement..... Kathy Weed	111 Israel Rd, Tumwater WA 98501	360-236-4883

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kathy Weed

Address: P.O. Box 47852

Olympia, WA 98504

phone 360-236-4883

fax 360-236-2901

e-mail kathy.weed@doh.wa.gov

No: Please explain: The agency did not complete a cost benefit analysis under RCW 34.05.328. RCW 34.05.325(5)(b)(v) exempts rules the content of which is explicitly and specifically dictated by statute.

WAC 246-834-060 Initial application requirements for licensure as a midwife. (~~This rule provides the requirements for application for a midwife license.~~

~~(1) All applicants must submit a Washington state application for licensure, along with the applicable fees specified in WAC 246-830-990 and additional documentation as specified below. Applications must be received fifty six days prior to the examination.~~

~~(2)) (1) An applicant(~~s must~~) for a midwife license shall submit to the department the following (~~documentation~~):~~

~~(a) (~~Transcripts sent directly from an approved school which indicate the applicant has received a certificate or diploma in midwifery. Those applicants applying under WAC 246-834-220 will be exempted from this requirement.~~~~

~~(b) One current passport type photograph, signed and dated across the bottom of the photo or on the back.~~

~~(c) Proof of high school graduation or passing the general educational development test.~~

~~(d)) Initial application on forms provided by the department.~~

~~(b) Fees required in WAC 246-834-990.~~

~~(c) Proof of high school graduation, or its equivalent.~~

~~(d) Proof of at least three years of midwifery training, per RCW 18.50.040 (2)(a), unless the applicant qualifies for a reduced academic period.~~

~~(e) A current plan for consultation, emergency transfer and transport.~~

~~((~~e~~ Verification)) (f) Proof of completion of seven clock hours of HIV/AIDS education as required in chapter 246-12 WAC, Part 8.~~

~~((~~f~~ Applicants with disabilities who wish to request special accommodations must do so when submitting their application.~~

~~(g) Applicants who have passed the NARM examination within the past two years must have verification of the examination results sent directly from NARM to the department.~~

~~(3) It is the applicant's responsibility to complete an application for the NARM examination and submit the application along with the NARM examination fee directly to NARM. A NARM application and instructions will be provided in the state application packet sent to the applicant.) (g) Proof of successful completion of the midwifery jurisprudence exam, as offered by the department.~~

~~(2) In addition to the requirements in subsection (1) of this section, an applicant for a midwife license shall also:~~

~~(a) Have transcripts sent directly to the department from the applicant's midwifery school demonstrating that the applicant has received a certificate or diploma in midwifery. Those applicants applying under WAC 246-834-066 or 246-834-220 may be exempted from this requirement.~~

~~(b) Have verification of passing the North American Registry of Midwives (NARM) examination. Results must be sent directly to the department from NARM.~~

~~(3) Once all application requirements in this section are met, and additional requirements in WAC 246-834-066 or 246-834-220 if applicable, the department will schedule the applicant for the Washington state specific component exam. An application for a midwife li-~~

cense must be received at least forty-five days prior to the Washington state specific component examination.

NEW SECTION

WAC 246-834-066 Certified Professional Midwife (CPM) licensure requirements. An applicant who holds a current North American Registry of Midwives (NARM) Certified Professional Midwife (CPM) certification may apply for a Washington state midwife license by completing all requirements in this section.

(1) To be eligible for a midwife license an applicant holding a CPM shall:

(a) Complete all application requirements for licensure in WAC 246-834-060.

(b) Ensure that proof of the CPM certification is sent to the department directly from NARM.

(c) Submit to the department documentation of attendance at one hundred births of which:

(i) At least thirty births where the applicant was the primary attendant under supervision of a qualified attendant;

(ii) At least twenty births where the applicant directly assisted; and

(iii) At least fifty births that the applicant observed in addition to births counted in (c)(i) and (ii) of this subsection.

(iv) Documentation for (c)(i) through (iii) of this subsection must include at least the date, client identifier, the applicant's role at each birth, and the signature or initials of the qualified attendant at the birth of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant shall submit to the department the name and contact information of each signatory, if available. The department must approve exceptions to the required documentation in this subsection.

(d) Submit to the department documentation of prenatal care examinations of fifty women and early postpartum care examinations of fifty women. The same women need not be seen for both examinations. Documentation must include at least the date, client identifier, and the signature or initials of the qualified attendant at the care examination of either: A licensed midwife, a CPM preceptor, a certified nurse midwife, or a practitioner licensed by their state or jurisdiction to provide maternity care. The applicant must submit to the department the name and contact information of each signatory, if available. The department must approve exceptions to the required documentation in this subsection.

(e) Demonstrate competency in the use and administration of legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250. The applicant shall submit documentation of competency to the department on a department supplied form. A licensed health care professional who, within his or her scope of practice, is qualified in the use and administration of legend drugs and devices described in RCW 18.50.115 and WAC 246-834-250 must sign the form.

(f) Successfully complete courses on epidemiology and obstetric pharmacology from:

(i) An institution that is accredited by an agency recognized by the Council for Higher Education Accreditation (CHEA) and included in their data base of institutions on programs accredited by recognized United States accrediting organizations;

(ii) An institution that is accredited by an agency recognized by the United States Department of Education (USDOE) and included in their data base of accredited postsecondary institutions and programs; or

(iii) A curriculum or program approved by the department.

(2) Applicants applying under this section who have a current CPM but do not meet all of the requirements listed in subsection (1)(c) through (f) of this section may apply to the department for a trainee permit under WAC 246-834-068. The trainee permit authorizes the applicant to complete subsection (1)(c) through (e) of this section, under the supervision of a preceptor as described in WAC 246-834-067.

NEW SECTION

WAC 246-834-067 Preceptor for Certified Professional Midwife (CPM) licensure program. This section defines the role of a preceptor as used in WAC 246-834-066. A Certified Professional Midwife (CPM) applicant for licensure as a midwife may use more than one preceptor to meet the requirements for licensure under WAC 246-834-066.

(1) A preceptor for clinical requirements including observed, managed, and assisted births, and prenatal and postpartum examinations must:

(a) Have a current Washington state license as a midwife under chapter 18.50 RCW, physician under chapter 18.71 RCW, osteopathic physician under chapter 18.57 RCW, or certified nurse midwife under chapter 18.79 RCW.

(b) Have actively practiced obstetrics for at least three consecutive years or attended at least one hundred fifty births.

(2) A preceptor for legend drugs and devices must have a current Washington state credential and, who within his or her scope of practice, is qualified in the use and administration of legend drugs and devices in RCW 18.50.115 and WAC 246-834-250.

NEW SECTION

WAC 246-834-068 Trainee permit for Certified Professional Midwife (CPM) licensure program. (1) The department may issue a trainee permit to a Certified Professional Midwife (CPM) who has submitted an initial application to the department accompanied by a nonrefundable fee as specified in WAC 246-834-990.

(2) The trainee permit authorizes the CPM to complete the licensure requirements outlined in WAC 246-834-066 (1)(c) through (e).

(3) A trainee permit expires one year from the date of issuance. The department may extend the permit upon request to accommodate extenuating circumstances.

(4) The department may deny, modify or revoke a CPM trainee permit at any time if the department determines that patient safety,

health or welfare would be in jeopardy or the trainee fails to comply with the requirements of this section.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-834-220 Midwife-in-training program, credit toward educational requirements for licensure. (1) Applicants not meeting the minimum requirements ((set forth)) in WAC 246-834-060 may apply to the department for ((licensure by submitting the following):

(a) ~~A completed, notarized application on a form provided by the department accompanied by a nonrefundable fee as specified in WAC 308-115-405;~~

(b) ~~Credit for academic courses:~~

(i) ~~Certification by an accrediting body, which has been approved by the department, of completed academic and continuing education courses as required in RCW 18.50.040 (2)(b) for which the applicant has received a grade of "C" or better. A certified copy of the courses taken and grades or scores achieved shall be submitted by the accrediting body directly to the department; or~~

(ii) ~~Completion of challenge examinations approved by the department with a minimum score of 75% for any academic subject required in RCW 18.50.040 (2)(b). Challenge examinations shall be administered a minimum of twice a year. An applicant for challenge examination must file a completed application for each examination along with the required fee with the department at least 45 days prior to the examination.~~

(c) ~~A prospectus for permission to undertake a midwife in training program. Such a program shall be on such terms as the department finds necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth in RCW 18.50.040, and shall include, but not be limited to the following:~~

(i) ~~The program shall be under the guidance and supervision of a preceptor, and shall be conducted for a period of not more than five years;~~

(ii) ~~The program shall be designed to provide for individual learning experiences and instruction based upon the applicant's academic background, training, and experience;~~

(iii) ~~The prospectus for the program shall be submitted on an approved form, signed by the preceptor, and approved by the department prior to the commencement of the program. Any changes in the program shall be reported within thirty days in writing to the department, and the department may withdraw the approval given, or alter the conditions under which approval was originally given, if the department finds that the program as originally submitted and approved has not been or is not being followed.) the midwife-in-training (MIT) program by:~~

(a) Submitting to the department a completed MIT application with a nonrefundable MIT program application fee as specified in WAC 246-834-990.

(b) Ensuring that transcripts are submitted directly to the department from the applicant's school for any academic courses taken that are required in RCW 18.50.040 (2)(b). The school must be certi-

fied by an accrediting body and approved by the department. The applicant must have received a grade of "C" or better.

(c) Submitting to the department a prospectus described in subsection (2) of this section to gain permission to undertake an MIT program. A proposed preceptor qualified under WAC 246-834-230 shall sign the prospectus. The department, in consultation with a licensed midwife sitting on the midwifery advisory committee (MAC), must approve the prospectus prior to the applicant beginning the program.

(2) The ((midwife in training program)) MIT prospectus must include ((the following components)):

(a) A plan for completion of required academic subjects required in RCW 18.50.040 (2)(b);

(b) Planned reading and ((written)) writing assignments;

(c) ((A project including at least one problem solving component to be submitted in writing. The problem solving component should include the definition of an acknowledged problem, the method of approach to the problem, the listing of possible alternatives, the actions taken, evaluation, and final recommendations to improve care given;

(d) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community;

(e) A quarterly written report, on an approved form, submitted to the department by the trainee, which shall include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period;

(f) The program must provide for a broad range of experience with a close working relationship between preceptor and the trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two midwives in training simultaneously. Exception to this rule may be granted by the department in unusual circumstances;

(g) The department may, in an individual case, require additional approved education, based upon assessment of the individual applicant's background, training and experience.

(3) Upon approval of the application, a trainee permit will be issued which enables the trainee to practice under the supervision of a preceptor. The permit shall expire within one year of issuance and may be extended as provided by rule.

(4) The trainee shall provide documentation of care given as follows:

(a) Records of no more than thirty five women to whom the trainee has given care in each of the prenatal, intrapartum, and early postpartum periods, although the same women need not have been seen through all three periods. These records must contain affidavits from the clients certifying that the care was given. If a client is unavailable to sign an affidavit, an affidavit from a preceptor or a certified copy of the birth certificate may be substituted. The care may have been given prior to the beginning of the midwife in training program or during the trainee period;

(b) After being issued a trainee permit, the trainee must manage care in the prenatal, intrapartum, and early postpartum period of fifteen women under the supervision of the preceptor. These women shall be in addition to the women whose records were used to meet the conditions of (a) of this subsection. The preceptor shall submit, on approved forms, completed check lists of skills and experiences when this requirement has been met;

~~(c) Evidence, on an approved form, of observing fifty deliveries in addition to those specified in (b) of this subsection. The deliveries may have been observed prior to the beginning of the midwife in-training program or may be observed during the trainee period.~~

~~(5) Upon satisfactory completion of subsections (1)(a) through (4)(c) of this section, the trainee is eligible to apply for the examination.) A project including at least one problem-solving component relating to the practice of midwifery. The project must be in writing and must include:~~

- ~~(i) A definition of an acknowledged problem;~~
- ~~(ii) A method of approach to the problem;~~
- ~~(iii) A listing of possible alternatives;~~
- ~~(iv) Actions taken;~~
- ~~(v) Evaluation; and~~
- ~~(vi) Final recommendations to improve care given.~~

~~(d) Acquisition of knowledge about other health and welfare agencies in the community.~~

~~(3) The department may, on an individual basis, require additional education, based upon assessment of the applicant's background, training, and experience.~~

~~(4) Upon department approval of the MIT application and prospectus, the department will issue a trainee permit which enables the trainee to work under the supervision of a preceptor to perform components in subsection (6)(a) and (b) of this section.~~

~~(a) The applicant shall report any changes to the approved prospectus in writing to the department within thirty days of the change.~~

~~(b) If the applicant makes changes to the prospectus, the department and a designated MAC member must reevaluate the proposal and determine whether to approve the revised prospectus. Nothing in this section shall be construed to limit the department's regulatory authority under chapter 18.130 RCW.~~

~~(5) A preceptor may not supervise more than two midwives-in-training simultaneously. An exception may be granted by the department in extraordinary circumstances.~~

Reporting Requirements

~~(6) The trainee shall provide documentation of supervised care as follows:~~

~~(a) Documentation of attendance at one hundred births:~~

~~(i) At least thirty births where the trainee was the primary attendant. At least fifteen of the thirty births must occur after the trainee permit is issued.~~

~~(ii) At least twenty births where the trainee directly assisted.~~

~~(iii) At least fifty births that the applicant observed in addition to births counted in (a)(i) and (ii) of this subsection. The observed births may have been observed prior to or during the trainee's MIT program.~~

~~(iv) Documentation for (a)(i) through (iii) of this subsection must include at least the date, client identifier, applicant's role at birth, and the signature or initials of the qualified attendant at the birth of either: A midwife licensed under chapter 18.50 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or a certified nurse midwife licensed under chapter 18.79 RCW. The applicant shall provide to the department the name and contact information of each signatory, if available.~~

~~(b) Documentation of prenatal care examinations for fifty women and early postpartum care examinations for fifty women. The same women need not be seen for both examinations. At least fifteen of the fifty~~

care exams must occur after the MIT permit is issued. Documentation must include at least the date, client identifier, and the signature or initials of the qualified attendant at the birth of either: A midwife licensed under chapter 18.50 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or a certified nurse midwife licensed under chapter 18.79 RCW. The applicant shall provide to the department the name and contact information of each signatory, if available.

(c) A quarterly written report, which must include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period.

(7) The department in consultation with a designated member of the MAC will determine whether the trainee has successfully completed the prospectus components described in subsection (2) of this section and prenatal, intrapartum, and postpartum care components in subsection (6)(a) and (b) of this section. If the department makes the determination of successful completion, the trainee is eligible to apply for licensure.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-834-230 ((Preceptor for)) Midwife-in-training (MIT) program—Preceptor qualifications. (1) In reviewing a proposed ((midwife-in-training)) MIT program, the department shall use the following criteria in assessing the qualifications and determining the responsibilities of ((the)) a preceptor required in WAC 246-834-220:

(a) Qualifications of preceptor:

(i) ((The preceptor shall have)) Hold an active license without restriction or conditions as a midwife under chapter 18.50 RCW, a certified nurse midwife under chapter 18.79 RCW, a physician under chapter 18.71 RCW, or an osteopathic physician under chapter 18.57 RCW.

(ii) Actively practiced at least three consecutive years or attended at least one hundred fifty births.

(iii) Demonstrated ((the)) ability and skill to provide safe, quality care((+)

((ii) The preceptor shall have)).

(iv) Demonstrated continued interest in professional development beyond the requirements of basic licensure((+)

((iii) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the department; and,

((iv) The preceptor shall be licensed in the state of Washington. Exception to this rule may be granted by the department in unusual circumstances)).

(b) Responsibilities of the preceptor:

(i) ((The preceptor shall)) Monitor the educational activities of the trainee and shall have at least one conference with the trainee quarterly to discuss progress((+)).

((ii) ((The preceptor shall)) Submit quarterly progress reports ((on approved forms)) to the department((, and,)).

(iii) ~~((The preceptor shall))~~ Maintain and submit ((the check-lists)), at the department's request, documentation of the birth totals as specified in WAC 246-834-220 ((+4)(b)) (6).

(2) The department may disqualify an approved preceptor if the preceptor fails to meet and fulfill the qualifications and responsibilities under subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 92-02-018, filed 12/23/91, effective 1/23/92)

WAC 246-834-240 Trainee permit for midwife-in-training program.

(1) A trainee permit for a midwife-in-training (MIT) may be issued to any individual who has:

(a) Been approved for ~~((a midwife-in-training))~~ the MIT program~~((; and,))~~.

(b) Filed a completed MIT application accompanied by a nonrefundable fee as specified in WAC 246-834-990.

(2) The trainee permit authorizes individuals to manage care as required in WAC 246-834-220 ~~((+4)(b))~~ (6).

(3) Permits will be issued yearly for the duration of the trainee's midwife-in-training program, not to exceed five years.

(4) The department may deny, modify or revoke an MIT trainee permit at any time if the department determines that patient safety, health or welfare would be in jeopardy or the trainee fails to comply with the requirements of this section.