



# 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 14-15-108 ; 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). Creating four new proposed rules regarding the credential renewal requirements for licensed midwives; WAC 246-834-345 (License Renewal); WAC 246-834-355 (Continued Competency); WAC 246-834-360 (Quality Improvement program for midwives); and WAC 246-834-370 (Data submission for midwives).

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

Date: 09/10/15 Time: 1:00 p.m.

**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) 09/10/2015

**Assistance for persons with disabilities:** Contact

Kathy Weed by 08/26/2015

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 09/24/2015

(Note: This is **NOT** the **effective** date)

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

The proposed rules establish the requirements for renewal, continuing education (CE), peer review, and data submission. Upon implementation, the rule will outline the requirements for 30 hours of CE every three years, participation in a department approved peer review process every two years, and annual participation of data submission on perinatal outcomes with a department approved research organization. The proposed rules will provide a clear definition of the renewal requirements and will not affect any existing rules.

**Reasons supporting proposal:**

2SHB 1773 (Chapter 187, Laws of 2014) Section 3, amended RCW 18.50.102 requiring the Department of Health to adopt rules for renewal requirements for licensed midwives.

**Statutory authority for adoption:**

RCW 18.50.102 and 18.50.135

**Statute being implemented:**

RCW 18.50.102

**Is rule necessary because of a:**

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

**DATE** July 23, 2015

**NAME** (type or print)

John Wiesman, DrPH, MPH

**SIGNATURE**

**TITLE**

Secretary of Health

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** July 24, 2015

**TIME:** 1:22 PM

**WSR 15-16-018**

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

None.

**Name of proponent:** (person or organization) The Department of Health.

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Kathy Weed	111 Israel Road SE, Tumwater, WA 98501	360-236-4883
Implementation....Kathy Weed	111 Israel Road SE, Tumwater, WA 98501	360-236-4883
Enforcement.....Kathy Weed	111 Israel Road SE, 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 (SBEIS) 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: PO Box 47852

Olympia, WA 98504-7852

phone 360-236-4883

fax 360-236-2901

e-mail [kathy.weed@doh.wa.gov](mailto:kathy.weed@doh.wa.gov)

No: Please explain:

NEW SECTION

**WAC 246-834-345 License renewal.** A licensed midwife must renew their license every year on his or her birthday. To renew a license, a licensed midwife shall comply with the requirements in:

- (1) RCW 18.50.102 License renewal;
- (2) RCW 18.50.108 Written plan for consultation, emergency transfer, and transport;
- (3) WAC 246-12-030 How to renew a credential;
- (4) WAC 246-834-355 Continuing education;
- (5) WAC 246-834-360 Quality improvement program;
- (6) WAC 246-834-370 Data submission; and
- (7) WAC 246-834-990 Midwifery fees and renewal cycle.

NEW SECTION

**WAC 246-834-355 Continuing education.** (1) A licensed midwife shall complete thirty hours of continuing education (CE) every three years and must comply with chapter 246-12 WAC, Part 7. CE course work must contribute to the professional knowledge and development of the licensed midwife.

(a) A minimum of twenty-five hours must be directly related to the clinical practice of midwifery.

(b) Any remaining hours may be in professional development activities that enhance the practice of the licensed midwife.

(2) A licensed midwife shall obtain CE hours through one or more of the categories listed below. Documentation for all activities must include licensee's name, date of activity, and number of hours. Additional specific documentation is defined below:

(a) Acceptable CE course work. A minimum of ten hours is required per reporting period in acceptable CE course work. For the purposes of this section, acceptable CE course work means courses offered or authorized by industry recognized local, state, private, national and international organizations, agencies or institutions of higher learning. The department will not authorize or approve specific CE courses. The required documentation for this category is a certificate or documentation of attendance.

(b) Course work or classes offered by an accredited college or university. The course work must provide skills and knowledge beyond entry-level skills. The required documentation for this category is a transcript or documentation of attendance. A maximum of ten hours is allowed per reporting period for this category.

(c) Research, writing, or teaching. The required documentation for this category is a two page synopsis for each activity written by the licensee. A maximum of fifteen hours is allowed per reporting period for this category.

(d) Documented self-study or life experience. The required documentation for this category is a two page synopsis of each activity written by the licensee. A maximum of five hours is allowed per reporting period for this category.

(e) Serving on a professional board, committee, disciplinary panel, or association. The required documentation for this category is a

letter or other documentation from the organization. A maximum of five hours is allowed per reporting period for this category.

(f) Professional manuscript review. The required documentation for this category is a letter from the publishing organization verifying review of the manuscript. A maximum of ten hours is allowed per reporting period for this category.

(g) Professional conference or workshop. The required documentation for this category is a certificate or documentation of attendance. A maximum of ten hours is allowed per reporting period for this category.

(3) Continuing education credit will not be given for the following:

- (a) A cardiopulmonary resuscitation course;
- (b) A neonatal resuscitation course; or
- (c) Participation in data submission on perinatal outcomes.

#### NEW SECTION

**WAC 246-834-360 Quality improvement program.** (1) As a condition of renewing a license, a licensed midwife shall:

(a) Participate in a Washington state coordinated quality improvement program peer review process that complies with the requirements in RCW 43.70.510.

(b) Attest every two years that the midwife has completed peer review for a minimum of five of the midwife's clinical cases over the course of those two years.

(2) A midwife may be excused from or granted an extension of participation in a peer review process due to illness or other extenuating circumstances. The department, upon request, will determine if the requirements may be waived or if an extension may be granted.

(3) For auditing purposes, written confirmation of participation in a peer review process from the approved coordinated quality improvement program shall suffice. The midwife must keep her/his participation records; records must not be sent to the department.

#### NEW SECTION

**WAC 246-834-370 Data submission.** (1) As a condition of renewing a license, a licensed midwife shall report data on all courses of care for every mother and newborn under the midwife's care to a national or state research organization approved by the department. If the mother declines to participate in the collection of data, the midwife shall follow the protocol of the approved national or state research organization.

(2) The licensed midwife shall verify compliance by submitting an attestation to the department annually with the license renewal.

(3) For auditing purposes, written confirmation of full participation in data collection from the approved state or national research organization shall suffice.

(4) The midwife must keep her/his data and participation records; data and participation records will not be submitted directly to the department.