SENATE BILL No. 408

Introduced by Senator Morrell

February 25, 2015

An act to add Section 2516.5 to the Business and Professions Code, relating to healing arts.

LEGISLATIVE COUNSEL'S DIGEST

SB 408, as introduced, Morrell. Midwife assistants.

The Licensed Midwifery Practice Act of 1993 provides for the licensing and regulation of midwives by the Board of Licensing of the Medical Board of California. The license to practice midwifery authorizes the holder, under the supervision of a licensed physician and surgeon, as specified, to attend cases of normal childbirth and to provide prenatal, intrapartum, and postpartum care, including family-planning care, for the mother, and immediate care for the newborn. The act requires a midwife to immediately refer all complications to a physician and surgeon. A violation of the act is a crime.

This bill would authorize a midwife assistant to perform certain assistive activities under the supervision of a licensed midwife, including the administration of medicine, the withdrawing of blood, and midwife technical support services. The bill would define terms for these purposes. The bill would prohibit a midwife assistant from being employed for inpatient care in a licensed general acute care hospital. By adding new requirements and prohibitions to the act, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2516.5 is added to the Business and
2 Professions Code, to read:
3 2516.5. (a) As used in this section, the following definition
4 apply:
5 (1) "Midwife assistant" means a person, who may be unlicensed,
6 who performs basic administrative, clerical, and midwife technical
7 supportive services in accordance with this chapter for a licensed
8 midwife, is at least 18 years of age, and has had at least the
9 minimum amount of hours of appropriate training pursuant to
10 standards established by the board for a medical assistant pursuant
11 to Section 2069. The midwife assistant shall be issued a certificate
12 by the training institution or instructor indicating satisfactory
13 completion of the required training. Each employer of the midwife
14 assistant or the midwife assistant shall retain a copy of the
15 certificate as a record.
16 (2) "Midwife technical supportive services" means simple
17 routine medical tasks and procedures that may be safely performed
18 by a midwife assistant who has limited training and who functions
19 under the supervision of a licensed midwife.
20 (3) "Specific authorization" means a specific written order
21 prepared by the supervising midwife authorizing the procedures
22 to be performed on a patient, which shall be placed in the patient's
23 medical record, or a standing order prepared by the supervising
24 midwife authorizing the procedures to be performed. A notation
25 of the standing order shall be placed in the patient's medical record.
26 (4) "Supervision" means the supervision of procedures
27 authorized by this section by a licensed midwife, within his or her
28 scope of practice, who is physically present on the premises during
29 the performance of those procedures.
30 (b) Notwithstanding any other provision of law, a midwife
31 assistant may do all of the following:
32 (1) Administer medication only by intradermal, subcutaneous,
33 or intramuscular injections and perform skin tests and additional

technical support services upon the specific authorization and supervision of a licensed midwife. A midwife assistant may also perform all these tasks and services in a clinic licensed in accordance with subdivision (a) of Section 1204 of the Health and Safety Code upon the specific authorization of a licensed midwife.

(2) Perform venipuncture or skin puncture for the purposes of withdrawing blood upon specific authorization and under the supervision of a licensed midwife if the midwife assistant has met the educational and training requirements for medical assistants as established in Section 2070. Each employer of the assistant shall retain a copy of any related certificates as a record.

(3) Perform the following midwife technical support services:

(A) Administer medications orally, sublingually, topically, vaginally, or rectally, or by providing a single dose to a patient for immediate self-administration, and administer oxygen at the direction of the supervising licensed midwife. The licensed midwife shall verify the correct medication and dosage before the midwife assistant administers medication.

(B) Assist in performing neonatal resuscitation.

(C) Assist in auscultation of fetal heart tones when a licensed midwife is engaged in a concurrent activity that precludes the licensed midwife from doing so.

(D) Collect by noninvasive techniques and preserve specimens for testing, including, but not limited to, urine.

(E) Assist patients to and from a patient examination room, bed, or bathroom.

(F) Assist patient in activities of daily living, such as assisting with bathing or clothing.

(G) As authorized by the licensed midwife, provide patient information and instructions.

(H) Collect and record patient data, including height, weight, temperature, pulse, respiration rate, blood pressure, and basic information about the presenting and previous conditions.

(I) Perform simple laboratory and screening tests customarily performed in a medical or midwife office.

(4) Perform additional midwife technical support services under regulations and standards established by the board.

(c) (1) Nothing in this section shall be construed as authorizing the licensure of midwife assistants. Nothing in this section shall be construed as authorizing the administration of local anesthetic

agents by a midwife assistant. Nothing in this section shall be construed as authorizing the board to adopt any regulations that violate the prohibitions on diagnosis or treatment in Section 2052.

(2) Nothing in this section shall be construed as authorizing a midwife assistant to perform any clinical laboratory test or examination for which he or she is not authorized under Chapter 3 (commencing with Section 1200).

(d) Notwithstanding any other law, a midwife assistant shall not be employed for inpatient care in a licensed general acute care hospital as defined in subdivision (a) of Section 1250 of the Health and Safety Code.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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