

Summary of Changes to 9 A.A.C. 16, Licensing of Midwifery

Made by the Exempt Rulemaking, Laws 2012, Chapter 93

Laws 2012, Chapter 93 (HB 2247) requires the Department to consider adopting rules regarding midwifery to reduce the regulatory burden on midwives, streamline the regulatory process, revise the midwifery scope of practice, and, if available, adopt national licensure testing standards. In drafting rules to comply with Laws 2012, Chapter 93, the following are changes that have been made:

R9-16-101. Definitions

- Adds definitions for current photograph and jurisprudence test;
- Deletes definitions for ABO (only used once), ADHS, apprenticeship, core subjects, direction, HIV, multipara, observation, preceptor, supervision, universal precautions (most no longer used); and
- Amends the definition of “abnormal presentation” by adding “at the time of birth” for clarification.

R9-16-102. ~~Qualifications for Licensure~~ Application for Initial Licensure

- Current R9-16-102 provides a list of qualification for licensure that includes age, high school diploma, good moral character, adult CPR certification from the American Heart Association, neonatal CPR from the American Academy of Pediatrics, and letters of recommendations from medical professionals, as well as one mother for whom the applicant has provided midwifery services.
- All requirements in the current R9-16-102 are deleted or moved into the application for initial licensure.
- Amends initial application requirements that streamline the current process and increase the consistency and effectiveness of the rules.
- Adds and clarifies the following application requirements:
 - Applicant information, including documentation verifying applicant’s citizenship, applicant’s age (changed from 18 to 21), whether convicted of a felony or misdemeanor, completed education, North American Registry of Midwives certification, current photograph of applicant (moved from R9-16-103), attestation acknowledging true and accurate and applicant’s signature;
 - Name of the hospital to which the applicant plans to transfers a client who need services (moved from Exhibit D);
 - Name of each physician who agrees to assume care for a client and a letter from each physician attesting to agreement to assume care for a client;
 - Whether applicant agrees to allow supplemental requests from the Department;
 - Application fee (moved from R9-16-103), non-refundable testing fee, and non-refundable testing fee;
- Adds for the jurisprudence test notification of eligibility, including licensing fee (moved from R9-16-105) jurisprudence test requirements; and
- Clarifies requirements for the Department’s review according and notice to issue or deny an initial license.

R9-16-103. ~~Application for Licensure~~ Renewal

- Current R9-16-103 provides requirements for application for licensure as specified in Exhibit B and C. R9-16-103 also includes requirements regarding the preceptor, preceptor rating guide, verification of specific applications and interventions skills obtained during apprenticeship, and notification of exam eligibility.
- All requirements in the current R9-16-103 are deleted or moved to R9-16-102;
- Moves from Exhibit D, request for midwife’s information, including midwife’s license number;
- Adds whether midwife agrees to allow supplemental requests from the Department;

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- Moves from Exhibit D, midwife's attestation acknowledging completion of continuing education required in R9-16-107;
- Adds midwife's attestation acknowledging compliance with A.R.S. § 32-3211;
- Moved from Exhibit D, midwife's attestation acknowledging true and accurate, as well as midwife's signature;
- Adds a requirement for either documentation of current North American Registry of Midwives certification, or if a midwife who received an initial midwifery license before 1999, a copy of current certifications in adult and neonatal cardiopulmonary resuscitation;
- Adds non-refundable renewal fee;
- Adds Department's review according to R9-16-107 Time-frames; and
- Adds Department's decision to issue or deny.

Exhibit B. ~~Midwifery License Application Form~~ Repealed

- Moves content to R9-16-102, except requirements for core education, practical and general experience, certifications, verification of at least three recommendation letters, validation of apprenticeship, and preceptor signature which have been repealed.

Exhibit C. ~~Preceptor Rating Guide~~ Repealed

R9-16-104. ~~Qualifying Examination Administration~~

- Current R9-16-104 provides requirements for the qualifying examination that include a description of the subject matter covered in the qualifying examination, identification requirement, minimum testing score requirement, and information for applicants who fails the examination.
- Deletes all current R9-16-104.
- Adds requirement related to adding and removing a midwife's information from the Department's website;
- Adds requirement to notify the Department of any change in the hospital to which the midwife may transfer a client or a change in a physician who has agreed to assume care for a client;
- Adds requirement to notify the Department of a client's death, stillborn infant birth, or infant delivered by midwife that has died within 28 days of life;
- Specified the documentation required to be maintained by midwife; and
- Adds the requirement to provide the documentation maintained by the midwife to Department upon the Department's request.

R9-16-105. ~~Initial License Fee; Renewal; Continuing Education~~

- R9-16-105 provides initial license fee, renewal and continuing education requirements.
- R9-16-105(A) moved to R9-16-102, R9-16-105(B) moved to R9-10-103, and R9-16-105(D) moved to R9-16-106.
- Clarifies the topics that may constitute continuing education and the organizations that may approve continuing education units, moved from Exhibit D.

Exhibit D. ~~Renewal Application Form~~ Repealed

R9-16-105.01. ~~Time-frames~~ Repealed

R9-16-106. Name Change; Duplicate License

- Current R9-16-106 moved to R9-16-108.

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- New R9-16-106 adds requirements for requesting a name change or duplicate midwifery license (moved from R9-16-105(D)) and the Department's response to midwife's request.

R9-16-107. Time-Frames (moved from R9-16-105.01)

- Moved from R9-16-105.01 to new R9-16-107.
- New R9-16-107 clarifies time-frames to be consistent with other amended rules in Article 1; in addition to the following:
 - Changes initial licensure to eligibility for jurisprudence test (R9-16-102), and added clarification of calendar days;
 - Corrects references to other sections and subsections in Article 1; and
 - Streamlines subsections (B) and (C) to be consistent with deletion of the approval of application and approval to take oral midwifery examination.

Table 1.1. Time-frames (in calendar days)

- Reduces overall time-frame and administrative completeness review time-frame by 15 days and adds calendar days;

R9-16-106, R9-16-108. Responsibilities of the Licensed Midwife; Scope of Practice

R9-16-108, R9-16-109. Prohibited Practice; Transfer of Care

R9-16-109, R9-16-110. Required Consultation

R9-16-110, R9-16-111. Emergency Measures

R9-16-112. Expired

R9-16-107 R9-16-112. Recordkeeping and Report Requirements Client and Infant Records

- Current R9-16-107 provides for recordkeeping and report requirements that includes client records, general and informed consent, acceptable disclosure requirement of a client records, and client summary reports to the Department.
- New R9-16-112 includes the following:
 - Clarifies medical record retention by adding reference to A.R.S. § 12-2297;
 - Updates, simplifies, and clarifies language regarding client records and adds records for a newborn;
 - Deletes requirements for quarterly reports; and
 - Simplifies and clarifies specific information required to be maintained in a client and newborn's record.

Exhibit E. Individual Quarterly Report Repealed

R9-16-111, R9-16-113. Denial, Suspension, or Revocation of License; Civil Penalties; Procedures

- Current R9-16-111 provides for denial, suspension, or revocation of license; civil penalties; and procedures according to A.R.S. §§ 36-756 and 13-904(E).
- New R9-16-113 streamlines R9-16-111 in removing failure to maintain the standards of practice and clinical judgment and reference to 9 A.A.C. 1, Article 1.