
A BILL FOR AN ACT

RELATING TO MIDWIVES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 457J, Hawaii Revised Statutes, is
2 amended by adding seven new sections to be appropriately
3 designated and to read as follows:

4 "§457J-A Scope of practice of midwifery. (a) The scope
5 of practice of midwifery as a licensed midwife means the full
6 practice of midwifery, regardless of compensation or personal
7 profit, as determined by the director, rules adopted by the
8 director, and midwifery standards established or recognized by
9 the director pursuant to this chapter. The scope of practice of
10 midwifery as a licensed midwife includes but is not limited to
11 observation, assessment, development, implementation, and
12 evaluation of a plan of care; health and wellness education and
13 counseling; supervision and teaching of other personnel;
14 teaching of individuals, families, and groups; provision of
15 midwifery services via telehealth; administration, evaluation,
16 supervision, and coordination, including the delegation of
17 administrative and technical clinical tasks, of midwifery



1 practice; provision of health care to the client in
2 collaboration with other members of the health care team as
3 autonomous health care professionals providing the midwifery
4 component of health care; diagnosis, selection, and
5 administration of therapeutic measures as authorized pursuant to
6 this chapter and within the licensed midwife's role, education,
7 and certification; or use of reasonable judgment in carrying out
8 prescribed medical orders of a licensed physician or osteopathic
9 physician licensed pursuant to chapter 453 or an advanced
10 practice registered nurse licensed pursuant to chapter 457;
11 orders of a physician assistant licensed and practicing with
12 physician supervision pursuant to chapter 453 and acting as the
13 agent of the supervising physician; or orders of a licensed
14 midwife in accordance with this chapter.

15 (b) The scope of practice of midwifery as a certified
16 midwife includes but is not limited to:

17 (1) Assessment and the diagnosis, prescription, selection,
18 and administration of therapeutic measures, including
19 over the counter drugs; legend drugs; the provision of
20 expedited partner therapy pursuant to section 453-52;



1 and controlled substances within the licensed
2 midwife's education, certification, and role; and
3 (2) The Standards for the Practice of Midwifery, or
4 successor document, of the American College of Nurse-
5 Midwives and American Midwifery Certification Board,
6 or successor organizations; provided that the American
7 College of Nurse-Midwives and American Midwifery
8 Certification Board shall have no legal authority over
9 the director and shall have no legal authority or
10 powers of oversight of the director in the exercise of
11 the director's powers and duties authorized by law.

12 (c) The scope of practice of midwifery as a certified
13 professional midwife includes but is not limited to:

14 (1) Assessment and the diagnosis, selection, and
15 administration of therapeutic measures according to
16 the formulary of this chapter within the certified
17 professional midwife's education, certification, and
18 role; and

19 (2) The Essential Competencies for Midwifery Practice, or
20 successor document, as defined by the International
21 Confederation of Midwives, or successor organization;



1 provided that the International Confederation of
2 Midwives shall have no legal authority over the
3 director and shall have no legal authority or powers
4 of oversight of the director in the exercise of the
5 director's powers and duties authorized by law.

6 (d) The scope of practice of midwifery shall be based on
7 and be consistent with a licensed midwife's education and
8 national certification, including but not limited to:

9 (1) Evaluating the physical and psychosocial health status
10 of clients through a comprehensive health history,
11 physical examination, and risk assessment using skills
12 of observation, inspection, palpation, percussion, and
13 auscultation, and using diagnostic instruments and
14 procedures;

15 (2) Providing education and counseling related to the
16 health promotion, disease prevention, and health care
17 of midwife clients, with a particular focus on a
18 healthy pregnancy and childbirth, the postpartum
19 period, care of the newborn, and the family planning
20 and gynecological needs of midwife clients;



- 1 (3) Ordering, interpreting, and performing diagnostic,
2 screening, and therapeutic examinations, tests, and
3 procedures;
- 4 (4) Formulating a diagnosis;
- 5 (5) Initiating and maintaining accurate records and
6 authorizing appropriate regulatory and other legal
7 documents;
- 8 (6) Obtaining informed consent in accordance with the
9 licensee's professional requirements, as required by
10 section 671-3;
- 11 (7) Serving as a consultant and resource of midwifery
12 clinical knowledge and skills to those involved
13 directly or indirectly in client care;
- 14 (8) Operating within a health care system that provides
15 for consultation, collaborative management, and
16 referral with other health care professionals;
- 17 (9) Referring clients who require care beyond the scope of
18 practice of the licensed midwife to an appropriate
19 health care provider;



- 1 (10) Assisting in surgery; provided that this paragraph
2 shall only apply to licensed midwives practicing as
3 certified midwives;
- 4 (11) Admitting and discharging clients for inpatient care
5 at facilities licensed in the State as:
- 6 (A) Birth centers; and
7 (B) Hospitals; provided that this subparagraph shall
8 only apply to licensed midwives practicing as
9 certified midwives; and
- 10 (12) Participating in joint and periodic evaluation of
11 services rendered such as peer review, including chart
12 reviews, case reviews, client evaluations, and outcome
13 of case statistics.
- 14 (e) A licensed midwife shall comply with the requirements
15 of this chapter; recognize limits of the licensed midwife's
16 training and experience and have transfer of care protocols for
17 situations that exceed the scope of authorized practice; consult
18 with or refer clients to other health care providers, as
19 appropriate; and participate in data submission and peer review
20 requirements adopted by the department; provided that peer
21 review conducted outside of the department may not be used to



1 replace investigations against licensed midwives by the
2 regulated industries complaints office.

3 **§457J-B Care provided by licensed midwives; requirements.**

4 (a) Licensed midwives shall continually assess the
5 appropriateness of the planned location of birth and shall refer
6 to the American College of Nurse-Midwives Clinical Bulletin
7 Number 61: Midwifery Provision of Home Birth Services (November
8 2015), or succeeding document, for guidance, taking into account
9 the health and condition of the midwife's client; provided that
10 the American College of Nurse-Midwives shall have no legal
11 authority or powers of oversight over the director in the
12 exercise of the director's powers and duties authorized by law.

13 (b) If the licensed midwife determines that a condition of
14 the licensed midwife's client or clients is outside of the
15 licensed midwife's scope of practice, the licensed midwife shall
16 refer the client or clients to an appropriate health care
17 provider.

18 (c) If the licensed midwife is attending a community birth
19 and determines during the midwife's care that the client or
20 clients faces imminent morbidity or mortality, the licensed
21 midwife shall activate the 911 system.



1 (d) If the licensed midwife transfers care of the
 2 midwife's client or clients during the intrapartum or immediate
 3 postpartum period, the midwife shall provide the receiving
 4 provider with, at minimum, the information regarding the
 5 midwife's client or clients listed on the transfer form adopted
 6 by the department.

7 (e) If the midwife's client, or the midwife's client's
 8 guardian declines assistance from appropriate licensed health
 9 care providers or the 911 system, the licensed midwife shall
 10 continually urge the client or the client's guardian to transfer
 11 care to an appropriate licensed health care provider and may
 12 continue to provide care to save a life; provided that the
 13 licensed midwife shall only perform actions within the licensed
 14 midwife's scope of practice.

15 **§457J-C License renewal continuing education requirement.**

16 (a) Beginning July 1, 2026, each licensed midwife shall provide
 17 documentation of successful completion of thirty contact hours
 18 during the prior triennium of appropriate continuing education
 19 that is related to the practice of midwifery.

20 (b) Each licensee practicing as a certified midwife shall
 21 provide documentation of successful completion of continuing



1 education that is from accredited colleges or universities or
2 approved by an organization recognized by the Continuing
3 Education Policy, or successor document, of the American
4 Midwifery Certification Board, or successor organization;
5 provided that a minimum of eight hours of continuing education
6 shall be in pharmacology.

7 (c) Each licensee practicing as a certified professional
8 midwife shall provide documentation of successful completion of
9 continuing education that is from an accredited college or
10 university or granted by an accrediting organization recognized
11 by the North American Registry of Midwives, or successor
12 organization; provided that six hours of continuing education
13 shall include treatment of shock/intravenous therapy and
14 suturing.

15 (d) This section shall not apply to a licensee who has
16 graduated from a midwifery program approved by the director
17 within the twelve months prior to the renewal date of the
18 licensee's first license renewal period.

19 (e) The director may extend the deadline for compliance
20 with the continuing education requirements established by this
21 section on a case-by-case basis; provided that prior to the



1 expiration of a license, the licensed midwife seeking an
2 extension shall submit a written request for the extension and
3 any documentation required by the director to substantiate the
4 reason for an extension of the deadline for compliance with the
5 continuing education requirements established by this section.

6 (f) Each licensee shall maintain the licensee's continuing
7 education records for no less than six years.

8 (g) The director may conduct random audits of licensees to
9 determine compliance with the continuing education requirement.

10 The director shall provide written notice of an audit to all
11 licensees randomly selected for audit. Within sixty days of
12 notification, the licensee shall provide the director with
13 documentation verifying compliance with the continuing education
14 requirement established by this section.

15 **§457J-D Global signature authority.** Licensed midwives
16 shall be authorized to sign, certify, or endorse all documents
17 relating to health care provided for their clients within their
18 scope of practice, including workers' compensation verification
19 documents, temporary disability insurance forms, verification
20 and evaluation forms of the department of human services and
21 department of education, verification and authorization forms of



1 the department of health, and physical examination forms;
2 provided that nothing in this section shall be construed to
3 expand the scope of practice of licensed midwives.

4 **§457J-E Prescriptive authority.** (a) Prescriptive
5 authority shall be granted solely to licensed midwives
6 practicing as certified midwives and shall not be granted to
7 licensed midwives practicing as certified professional midwives.
8 Licensed midwives practicing as certified midwives shall only
9 prescribe those drugs appropriate to midwifery care as
10 recognized by the director and in accordance with the current
11 exclusionary formulary defined by the board of nursing for
12 advanced practice registered nurses.

13 (b) Only a licensed midwife practicing as a certified
14 midwife may communicate, represent, or imply in any manner,
15 including through the use of a sign, card, or device, that the
16 person is a licensed midwife who is authorized to prescribe.

17 (c) A licensed midwife practicing as a certified midwife
18 shall comply with all applicable federal and state laws,
19 regulations, and rules relating to the prescription, dispensing,
20 and administration of drugs. A licensed midwife practicing as a
21 certified midwife shall only prescribe and administer over the



1 counter drugs, legend drugs, and controlled substances pursuant
2 to this chapter and chapter 329. A licensed midwife practicing
3 as a certified midwife may request, receive, and dispense a
4 manufacturer's prepackaged samples of over the counter and non-
5 controlled legend drugs to patients under the midwife's care;
6 provided that the licensed midwife practicing as a certified
7 midwife shall not request, receive, or sign for samples of
8 controlled substances. A licensed midwife practicing as a
9 certified midwife may prescribe, order, and dispense medical
10 devices and equipment that are appropriate to the licensed
11 midwife's scope of practice and plan and initiate a therapeutic
12 regimen that includes nutritional, diagnostic, and supportive
13 services including home health care, hospice, and physical and
14 occupational health.

15 (d) Prescriptions issued by a licensed midwife practicing
16 as a certified midwife shall be written in accordance with
17 section 329-38.

18 (e) It shall be a violation of this chapter for a licensed
19 midwife practicing as a certified professional midwife to
20 communicate, represent, or imply in any manner, including



1 through the use of any sign, card, or device, that the person is
2 a licensed midwife with prescriptive authority.

3 **§457J-F Reporting requirements.** (a) Every midwife
4 licensed pursuant to this chapter who does not possess
5 professional liability insurance shall report in writing any
6 settlement or arbitration award of a claim or action for damages
7 for death or personal injury caused by negligence, error, or
8 omission in practice, or the unauthorized rendering of
9 professional services. The report shall be submitted to the
10 midwives licensing program within thirty days after any written
11 settlement agreement has been reduced to writing and signed by
12 all the parties thereto or within thirty days after service of
13 the arbitration award on the parties.

14 (b) Failure of a licensed midwife to comply with this
15 section is an offense punishable by a fine of no less than \$100
16 for the first offense, \$250 to \$500 for the second offense, and
17 \$500 to \$1,000 for any subsequent offense.

18 **§457J-G Peer review requirements; license renewal.** (a)
19 Beginning June 30, 2029, a licensed midwife shall, as a
20 condition of license renewal:



- 1 (1) Participate in a Hawaii based peer review committee
2 during each triennium subject to the requirements of
3 section 624-25.5; and
- 4 (2) Attest that the licensed midwife has completed a peer
5 review for a minimum of five of the licensed midwife's
6 clinical cases from the prior triennium, with at least
7 two midwives licensed in the State who were not
8 involved in the clinical cases under review
9 participating in the peer review process; and
- 10 (3) Attest that the licensed midwife has completed a peer
11 review within ninety days of any case that includes
12 conditions outside of the licensed midwife's scope of
13 practice; urine rupture; or maternal or neonatal
14 hospitalization for infection, blood transfusion,
15 intensive care unit admission, emergent transfer of
16 care, or mortality.
- 17 (b) If the licensed midwife has served fewer than five
18 clients in the prior triennium, the requirements of subsection
19 (a) (2) may be waived upon a determination by the department;
20 provided that if the requirements of subsection (a) (2) are



1 waived, the licensed midwife shall participate in the review of
2 five cases of another licensed midwife practicing in the State.

3 (c) The licensed midwife shall receive written
4 confirmation of participation in a peer review process from the
5 Hawaii based peer review committee and shall maintain copies of
6 the licensed midwife's participation records.

7 (d) The department shall begin verifying compliance with
8 this section beginning June 30, 2029.

9 **§457J-H Data submission requirements; license renewal.**

10 (a) Beginning June 30, 2029, a licensed midwife shall, as a
11 condition of license renewal:

12 (1) Submit data on all courses of care for every
13 gestational parent and newborn under the midwife's
14 care to a national or state research organization
15 approved by the department. If a gestational parent
16 declines to participate in the collection of data, the
17 midwife shall follow the protocol of the approved
18 national or state research organization; and

19 (2) Attest that the licensed midwife has submitted data
20 annually during the prior triennium.



1 (b) The data submission requirements may be waived if the
2 licensed midwife attests that the midwife has not provided
3 midwifery care to any clients during the prior triennium.

4 (c) The licensed midwife shall receive written
5 confirmation of participation in data submission from the
6 national or state research organization and shall maintain
7 copies of the licensed midwife's participation records.

8 (d) The department shall begin verifying compliance with
9 this section beginning June 30, 2029.

10 **§457J-I Traditional Hawaiian healers; disclosure.** (a)

11 Pursuant to article XII, section 7 of the Hawaii state
12 constitution, a person acting as a traditional Hawaiian healer
13 engaged in traditional practices of pale keiki, hoohanau, or
14 other hanau practices established in existence before November
15 25, 1892, which may incorporate but are not limited to the
16 practices of laau lapaau, laau kahea, lomilomi, hooponopono,
17 kilo, pule, and ai pono, and are intended to assist pregnant
18 people during pregnancy, birth, and the postpartum period shall,
19 at the time care is first initiated, disclose to each client
20 verbally and in writing on a form adopted by the department:



- 1 (1) That the person is not a licensed midwife and is not
2 engaging in the practice of midwifery;
- 3 (2) That the person does not possess a professional
4 license issued by the State to provide health or
5 maternity care to women or infants;
- 6 (3) That the person's education and qualifications to
7 provide assistance through traditional Hawaiian
8 healing practices to people during pregnancy, birth,
9 and the postpartum period have not been reviewed by
10 the State;
- 11 (4) The person's education and training;
- 12 (5) That the person is not authorized to acquire, carry,
13 administer, or direct others to administer legend
14 drugs;
- 15 (6) Any judgment, award, disciplinary action, order, or
16 other determination that adjudges or finds that the
17 person has committed misconduct or is criminally or
18 civilly liable for conduct relating to midwifery by a
19 licensing regulatory authority, territory, state, or
20 any other jurisdiction; and



1 (7) A plan for transporting the client to the nearest
2 hospital if a problem arises during the provision of
3 care.

4 (b) The person acting as a traditional Hawaiian healer
5 shall maintain a copy of the form required by subsection (a) for
6 no less than ten years and shall make the form available for
7 inspection upon request by the department.

8 (c) This section shall not apply if the person acting as a
9 traditional Hawaiian healer is also a midwife licensed under
10 this chapter."

11 SECTION 2. Section 26H-4, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§26H-4 Repeal dates for newly enacted professional and**
14 **vocational regulatory programs.** (a) Any professional or
15 vocational regulatory program enacted after January 1, 1994, and
16 listed in this section shall be repealed as specified in this
17 section. The auditor shall perform an evaluation of the
18 program, pursuant to section 26H-5, prior to its repeal date.

19 (b) Chapter 466L (appraisal management companies) shall be
20 repealed on June 30, 2023.



1 [~~(c) Chapter 457J (midwives) shall be repealed on June 30,~~
2 2025.] "

3 SECTION 3. Section 329-1, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By adding a new definition to be appropriately inserted
6 and to read:

7 "Licensed midwife practicing as a certified midwife" means
8 a person licensed under chapter 457J who is registered under
9 this chapter to administer or prescribe a controlled substance;
10 provided that a licensed midwife practicing as a certified
11 midwife shall not be authorized to request, receive, or sign for
12 professional controlled substance samples."

13 2. By amending the definition of "designated member of the
14 health care team" to read:

15 "Designated member of the health care team" includes
16 physician assistants, advanced practice registered nurses,
17 licensed midwives practicing as certified midwives, and covering
18 physicians who are authorized under state law to prescribe
19 drugs."

20 3. By amending the definition of "practitioner" to read:

21 "Practitioner" means:



- 1 (1) A physician, dentist, veterinarian, scientific
2 investigator, or other person licensed and registered
3 under section 329-32 to distribute, dispense, or
4 conduct research with respect to a controlled
5 substance in the course of professional practice or
6 research in this State;
- 7 (2) An advanced practice registered nurse with
8 prescriptive authority licensed and registered under
9 section 329-32 to prescribe and administer controlled
10 substances in the course of professional practice in
11 this State; [and]
- 12 (3) A licensed midwife practicing as a certified midwife
13 licensed and registered under section 329-32 to
14 prescribe and administer controlled substances in the
15 course of professional practice in this State; and
- 16 [~~3~~] (4) A pharmacy, hospital, or other institution
17 licensed, registered, or otherwise permitted to
18 distribute, dispense, conduct research with respect to
19 or to administer a controlled substance in the course
20 of professional practice or research in this State."



1 SECTION 4. Section 453-51, Hawaii Revised Statutes, is
2 amended by amending the definition of "health professional" to
3 read as follows:

4 ""Health professional" means any of the following:

5 (1) A person licensed or otherwise authorized by law to
6 practice medicine or surgery under this chapter and
7 whose scope of practice includes the diagnosis and
8 treatment of sexually transmitted diseases;

9 (2) An advanced practice registered nurse with
10 prescriptive authority under chapter 457 and duly
11 licensed in the State; [~~or~~]

12 (3) A licensed midwife practicing as a certified midwife
13 with prescriptive authority under chapter 457J and
14 duly licensed in the State; or

15 [~~(3)~~] (4) For the purpose of dispensing antibiotic therapy
16 under this section, a pharmacist who is licensed or
17 otherwise authorized to engage in the practice of
18 pharmacy under chapter 461."

19 SECTION 5. Section 457J-1, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "~~§~~457J-1~~§~~ Findings and purpose. The legislature
2 finds that:

3 (1) Midwives offer reproductive health care and maternity
4 and newborn care [~~from the antepartum period through~~
5 ~~the intrapartum period to the postpartum period;~~] to
6 clients seeking midwifery services;

7 (2) The improper practice of midwifery poses a significant
8 risk of harm to [~~the mother or newborn,~~] any client
9 receiving midwifery services and may result in death;
10 and

11 (3) The regulation of the practice of midwifery is
12 reasonably necessary to protect the health, safety,
13 and welfare of [~~mothers~~] persons choosing midwifery
14 services and their newborns."

15 SECTION 6. Section 457J-2, Hawaii Revised Statutes, is
16 amended as follows:

17 1. By adding five new definitions to be appropriately
18 inserted and to read:

19 "American College of Nurse-Midwives" means the
20 professional association that represents and sets the standards
21 for practice through core competencies and scope of practice for



1 certified nurse-midwives/certified midwives in the United
2 States.

3 "Community birth" means birth taking place in a birth
4 center, home, or location within the community.

5 "Peer review" means the candid review and evaluation,
6 subject to section 624-25.5, of the practice of midwifery.

7 "Peer review" includes but is not limited to reviewing the care
8 provided by licensed midwives, making recommendations for
9 quality improvement, and identifying areas where additional
10 education or skills training is needed.

11 "Practice of midwifery" means the independent provision of
12 care, including initial and ongoing comprehensive assessment,
13 diagnosis, and treatment during pregnancy, childbirth, and the
14 postpartum period; sexual and reproductive health; gynecologic
15 health; family planning services, including preconception care;
16 primary care for individuals from adolescence through the
17 lifespan, healthy newborns, and adults according to the
18 midwife's scope of practice for all persons seeking midwifery
19 care in all settings through the performance of professional
20 services commensurate with the educational preparation and
21 demonstrated competency of the individual having specialized



1 training, and skill based on the principles of the biological,
2 physical, behavioral, and sociological sciences and midwifery
3 theory, whereby the individual shall be accountable and
4 responsible to the client for the quality of midwifery care
5 rendered. Pursuant to article XII, section 7 of the Hawaii
6 state constitution, "practice of midwifery" does not include
7 healing practices performed by traditional Hawaiian healers
8 engaged in traditional practices of pale keiki, hoohanau, or
9 other hanau practices established in existence before November
10 25, 1892, which may incorporate but are not limited to the
11 practices of laau lapaau, laau kahea, lomilomi, hooponopono,
12 kilo, pule, and ai pono, and are intended to assist pregnant
13 people during pregnancy, birth, and the postpartum period.

14 "Telehealth" means the use of telecommunications as that
15 term is defined in section 269-1 including but not limited to
16 real-time video conferencing-based communication, secure
17 interactive and non-interactive web-based communication, and
18 secure asynchronous information exchange, to transmit client
19 health care information, including diagnostic-quality digital
20 images and laboratory results for health care interpretation and
21 diagnosis, for the purpose of delivering enhanced health care



1 services and information to parties separated by distance.
2 Standard telephone contacts, facsimile transmissions, or
3 electronic mail texts, in combination or by themselves, do not
4 constitute a telehealth service for the purposes of this
5 chapter."

6 2. By amending the definitions of "interconception" and
7 "International Confederation of Midwives" to read:

8 ""Interconception" means care provided to [~~mothers~~]
9 birthing people between pregnancies to improve health outcomes
10 for [~~women,~~] birthing people and newborns[~~, and children~~].

11 "International Confederation of Midwives" means the
12 accredited nongovernmental organization and representative of
13 midwives and midwifery to organizations worldwide to achieve
14 common goals in the care of [~~mothers~~] birthing people and
15 newborns."

16 3. By amending the definition of "postpartum" to read:

17 ""Postpartum" means the period of time immediately after
18 and up to [~~eight~~] six weeks following [~~the~~] birth [~~of the~~
19 ~~baby~~]."

20 4. By repealing the definition of "midwifery":



1 ~~["Midwifery" means the provision of one or more of the~~
2 ~~following services:~~

3 ~~(1) Assessment, monitoring, and care during pregnancy,~~
4 ~~labor, childbirth, postpartum and interconception~~
5 ~~periods, and for newborns, including ordering and~~
6 ~~interpreting screenings and diagnostic tests, and~~
7 ~~carrying out appropriate emergency measures when~~
8 ~~necessary;~~

9 ~~(2) Supervising the conduct of labor and childbirth; and~~

10 ~~(3) Provision of advice and information regarding the~~
11 ~~progress of childbirth and care for newborns and~~
12 ~~infants."]~~

13 SECTION 7. Section 457J-6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~[+]§457J-6[+]~~ **Exemptions.** (a) ~~[A person may practice~~
16 ~~midwifery without a license to practice midwifery if the person~~
17 ~~is:~~

18 ~~(1) [A certified nurse midwife holding a valid license~~
19 ~~under chapter 457;~~



- 1 ~~(2) Licensed and performing work within the scope of~~
- 2 ~~practice or duties of the person's profession that~~
- 3 ~~overlaps with the practice of midwifery;~~
- 4 ~~(3) A student midwife who is currently]~~ Nothing in this
- 5 chapter shall be construed to prohibit:
- 6 (1) The practice of midwifery that is incidental to the
- 7 program of study engaged by a student currently
- 8 enrolled in [a] an accredited midwifery educational
- 9 program and under the direct supervision of a
- 10 qualified midwife preceptor; or
- 11 ~~[(4) A person rendering aid in an emergency where no fee~~
- 12 ~~for the service is contemplated, charged, or received;~~
- 13 ~~or~~
- 14 ~~(5) A person acting as a birth attendant on or before July~~
- 15 ~~1, 2023, who:~~
- 16 ~~(A) Does not use legend drugs or devices, the use of~~
- 17 ~~which requires a license under the laws of the~~
- 18 ~~State;~~
- 19 ~~(B) Does not advertise that the person is a licensed~~
- 20 ~~midwife;~~



- 1 ~~(C) Discloses to each client verbally and in writing~~
- 2 ~~on a form adopted by the department, which shall~~
- 3 ~~be received and executed by the person under the~~
- 4 ~~birth attendant's care at the time care is first~~
- 5 ~~initiated;~~
- 6 ~~(i) That the person does not possess a~~
- 7 ~~professional license issued by the State to~~
- 8 ~~provide health or maternity care to women or~~
- 9 ~~infants;~~
- 10 ~~(ii) That the person's education and~~
- 11 ~~qualifications have not been reviewed by the~~
- 12 ~~State;~~
- 13 ~~(iii) The person's education and training;~~
- 14 ~~(iv) That the person is not authorized to~~
- 15 ~~acquire, carry, administer, or direct others~~
- 16 ~~to administer legend drugs;~~
- 17 ~~(v) Any judgment, award, disciplinary sanction,~~
- 18 ~~order, or other determination that adjudges~~
- 19 ~~or finds that the person has committed~~
- 20 ~~misconduct or is criminally or civilly~~
- 21 ~~liable for conduct relating to midwifery by~~



1 ~~a licensing or regulatory authority,~~
2 ~~territory, state, or any other jurisdiction;~~
3 and

4 ~~(vi) A plan for transporting the client to the~~
5 ~~nearest hospital if a problem arises during~~
6 ~~the client's care; and~~

7 ~~(D) Maintains a copy of the form required by~~
8 ~~subparagraph (C) for at least ten years and makes~~
9 ~~the form available for inspection upon request by~~
10 ~~the department.~~

11 ~~(b) Nothing in this chapter shall prohibit healing~~
12 ~~practices by traditional Hawaiian healers engaged in traditional~~
13 ~~healing practices of prenatal, maternal, and child care as~~
14 ~~recognized by any council of kupuna convened by Papa Ola Lokahi.~~
15 ~~Nothing in this chapter shall limit, alter, or otherwise~~
16 ~~adversely impact the practice of traditional Native Hawaiian~~
17 ~~healing pursuant to the Constitution of the State of Hawaii.~~

18 ~~(e)]~~ (2) Service in the case of emergency or the domestic
19 administration of family remedies.



1 (b) Nothing in this chapter shall prohibit a person from
2 administering care to a person's spouse, domestic partner,
3 parent, sibling, or child."

4 SECTION 8. Section 457J-8, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[+]§457J-8[+] **Application for license as a midwife.** (a)

7 To obtain a license under this chapter, the applicant shall
8 provide:

9 (1) An application for licensure;

10 (2) The required fees;

11 ~~(3) Proof of current, unencumbered certification as a:~~

12 ~~(A) Certified professional midwife; or~~

13 ~~(B) Certified midwife;~~

14 ~~(4) For certified professional midwives, proof of a~~
15 ~~successful completion of a formal midwifery education~~
16 ~~and training program that is either:~~

17 ~~(A) An educational program or pathway accredited by~~
18 ~~the Midwifery Education Accreditation Council; or~~

19 ~~(B) A midwifery bridge certificate issued by the~~
20 ~~North American Registry of Midwives for certified~~
21 ~~professional midwife applicants who either~~



1 ~~obtained certification before January 1, 2020,~~
 2 ~~through a non-accredited pathway, or who have~~
 3 ~~maintained licensure in a state that does not~~
 4 ~~require accredited education;~~

5 ~~(5)]~~ (3) If applicable, evidence of any licenses held or
 6 once held in other jurisdictions indicating the status
 7 of the license and documenting any disciplinary
 8 proceedings pending or taken by any jurisdiction;

9 ~~[(6)]~~ (4) Information regarding any conviction of any crime
 10 which has not been annulled or expunged; ~~[and~~

11 ~~(7)]~~ (5) Any other information the department may require
 12 to investigate the applicant's qualifications for
 13 licensure~~[-]~~;

14 (6) Any additional requirements adopted by the director;
 15 and

16 (7) Evidence of qualifications for licensure.

17 (b) Evidence of qualifications for licensure as a
 18 certified midwife shall consist of the following:

19 (1) Proof of current, unencumbered certification as a
 20 certified midwife by the American Midwifery
 21 Certification Board or a successor organization;



- 1 (2) Proof of successful completion of a graduate-level
2 midwifery program accredited by the Accreditation
3 Commission for Midwifery Education, or successor
4 organization, leading to a master's degree or higher
5 as a midwife; and
- 6 (3) Proof of successful completion of at least thirty
7 contact hours, as part of a master's degree program or
8 higher from a college or university accredited by the
9 Accreditation Commission for Midwifery Education, or
10 successor organization, of advanced pharmacology
11 education, including advanced pharmacotherapeutics
12 that is integrated into the curriculum, within three
13 years immediately preceding the date of application.
14 If the advanced pharmacology education in a master's
15 degree program was completed prior to the three-year
16 time period immediately preceding the date of
17 application, then one of the following shall be
18 completed within the three-year time period
19 immediately preceding the date of application for
20 initial prescriptive authority:



1 (A) At least thirty contact hours of advanced
2 pharmacology, including advanced
3 pharmacotherapeutics, from a college or
4 university accredited by the Accreditation
5 Commission for Midwifery Education, or successor
6 organization; or

7 (B) At least thirty contact hours of continuing
8 education in advanced pharmacology, including
9 advanced pharmacotherapeutics, approved by the
10 Continuing Education Policy, or successor
11 document, of the American Midwifery Certification
12 Board, or successor organization; provided that
13 the continuing education pharmacology contact
14 hours shall be related to the applicant's scope
15 of midwifery practice.

16 (c) Evidence of qualifications for licensure as a
17 certified professional midwife shall consist of the following:

18 (1) Proof of current and valid certification as a
19 certified professional midwife by the North American
20 Registry of Midwives or a successor organization; and



1 (2) Proof of successful completion of a formal midwifery
2 education and training program as follows:

3 (A) An educational program or pathway accredited by
4 the Midwifery Education Accreditation Council, or
5 successor organization; or

6 (B) A midwifery bridge certificate issued by the
7 North American Registry of Midwives, or successor
8 organization, for certified professional midwife
9 applicants who obtained certification before
10 January 1, 2020."

11 SECTION 9. Section 457J-10, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~†~~]**\$457J-10**[~~†~~] **Renewals.** (a) Every license issued under
14 this chapter shall be renewed triennially on or before June 30,
15 with the first renewal deadline occurring on June 30, 2023.
16 Failure to renew a license shall result in a forfeiture of the
17 license. Licenses [~~which~~] that have been so forfeited may be
18 restored within one year of the expiration date upon payment of
19 renewal and penalty fees. Failure to restore a forfeited
20 license within one year of the date of its expiration shall
21 result in the automatic termination of the license. Relicensure



1 after termination shall require the person to apply as a new
2 applicant and again satisfy all licensing requirements in place
3 at the time of the new application.

4 (b) For each license renewal, the licensee shall:

5 (1) Pay all required nonrefundable fees;

6 (2) Submit a completed renewal application;

7 (3) Provide documentation of successful completion during
8 the prior triennium of appropriate continuing
9 education as required pursuant to section 457J-C; and

10 (4) By June 30, 2029, and every triennium thereafter,
11 complete the peer review requirements of 457J-6; and

12 (5) By June 30, 2029, and every triennium thereafter,
13 complete the data submission requirements of 457J-H."

14 SECTION 10. Section 457J-11, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~+~~§457J-11~~+~~ **Authority to purchase and administer**
17 **certain legend drugs and devices.** (a) A midwife licensed under
18 this chapter may purchase and administer non-controlled legend
19 drugs and devices that are used in pregnancy, birth, postpartum
20 care, newborn care, or resuscitation, and that are deemed
21 integral to providing care to the public by the department.



1 (b) Legend drugs authorized under subsection (a) are
2 limited for:

3 (1) Neonatal use to prophylactic ophthalmic medications,
4 vitamin K, epinephrine for neonatal resuscitation per
5 neonatal resuscitation guidelines, and oxygen; and

6 (2) Maternal use to antibiotics for Group B Streptococcal
7 antibiotic prophylaxis per guidelines adopted by the
8 Centers for Disease Control and Prevention[7];
9 postpartum antihemorrhagics[7]; Rho(D) immune
10 globulin[7]; epinephrine for anaphylactic reaction to
11 an administered medication[7]; intravenous fluids[7];
12 amino amide local anesthetic[7]; nitrous oxide for
13 pain relief when used in an accredited birth facility
14 and in accordance with facility policies; non-hormonal
15 contraceptives; hormonal implants pursuant to any
16 manufacturer certification requirements, as prescribed
17 by a licensed health care provider with prescriptive
18 authority under this chapter, chapter 453, or section
19 457-8.6; and oxygen.



1 Legend drugs authorized under subsection (a) shall not be used
2 to induce, stimulate, or augment labor during the first or
3 second stages of labor or before labor.

4 (c) Legend devices authorized under subsection (a) are
5 limited to devices for:

- 6 (1) Injection of medications;
7 (2) The administration of intravenous fluids;
8 (3) Adult and infant resuscitation;
9 (4) Rupturing amniotic membranes;
10 (5) Repairing vaginal tears; [~~and~~]
11 (6) Postpartum hemorrhage[~~-~~]; and
12 (7) Mechanical, non-pharmacologic cervical dilation when
13 used at or after thirty-nine weeks gestation in
14 pregnancy.

15 (d) A pharmacist who dispenses drugs and devices to a
16 midwife as authorized by this section and in conformity with
17 chapter 461 is not liable for any adverse reactions caused by
18 the midwife's administration of legend drugs and devices.

19 (e) Nothing in this section shall preclude a licensed
20 midwife practicing as a certified professional midwife from
21 carrying out the prescribed medical orders of a licensed



1 physician or osteopathic physician licensed pursuant to chapter
2 453 or advanced practice registered nurse licensed pursuant to
3 chapter 457; orders of a physician assistant licensed and
4 practicing with physician supervision pursuant to chapter 453,
5 and acting as the agent of the supervising physician; or orders
6 of a recognized licensed midwife practicing as a certified
7 midwife in accordance with this chapter."

8 SECTION 11. Section 457J-12, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~§~~457J-12~~§~~ **Grounds for refusal to grant, renew,**
11 **reinstate, or restore licenses and for revocation, suspension,**
12 **denial, or condition of licenses.** In addition to any other acts
13 or conditions provided by law, the director may refuse to grant,
14 renew, reinstate, or restore, or may deny, revoke, suspend, or
15 condition in any manner, any license for any one or more of the
16 following acts or conditions on the part of the licensee or the
17 applicant thereof:

18 (1) Failing to meet or maintain the conditions and
19 requirements necessary to qualify for the granting of
20 a license;



- 1 (2) Failing to notify the department in writing that the
2 licensee's certification as a certified professional
3 midwife or as a certified midwife is no longer current
4 or unencumbered within thirty days of the change in
5 status;
- 6 (3) Engaging in false, fraudulent, or deceptive
7 advertising, or making untruthful or improbable
8 statements;
- 9 (4) Being addicted to, dependent on, or a habitual user of
10 ~~[a narcotic, barbiturate, amphetamine, hallucinogen,~~
11 ~~opium, or cocaine, or other drugs or derivatives of a~~
12 ~~similar nature;~~ illicit substances, or abusing
13 controlled substances, or both;
- 14 (5) Practicing as a licensed midwife while impaired by, at
15 minimum, alcohol, drugs, non-accommodated physical
16 disability, or mental instability;
- 17 (6) Procuring a license through fraud, misrepresentation,
18 or deceit;
- 19 (7) Aiding and abetting an unlicensed person to directly
20 or indirectly perform activities requiring a license;



- 1 (8) Engaging in professional misconduct as defined by the
2 program in accordance with its own rules,
3 incompetence, gross negligence, or manifest incapacity
4 in the practice of midwifery;
- 5 (9) Failing to maintain a record or history of competency,
6 trustworthiness, fair dealing, and financial
7 integrity;
- 8 (10) Engaging in conduct or practice contrary to recognized
9 standards of ethics for the practice of midwifery;
- 10 (11) Violating any condition or limitation upon which a
11 conditional license was issued;
- 12 (12) Engaging in business under a past or present license
13 issued pursuant to this chapter, in a manner causing
14 injury to one or more members of the public;
- 15 (13) Failing to comply, observe, or adhere to any law in a
16 manner such that the director deems the applicant or
17 licensee to be an unfit or improper person to hold a
18 license;
- 19 (14) Having a revocation, suspension, or other disciplinary
20 action by a territory, or by another state or federal



- 1 agency against a licensee or applicant for any reason
2 provided by the licensing laws or this section;
- 3 (15) Having a criminal conviction, whether by nolo
4 contendere or otherwise, of a penal crime directly
5 related to the qualifications, functions, or duties of
6 a licensed midwife;
- 7 (16) Failing to report in writing to the director any
8 disciplinary decision issued against the licensee or
9 the applicant in another jurisdiction within thirty
10 days of the disciplinary decision;
- 11 (17) Employing, utilizing, or attempting to employ or
12 utilize at any time any person not licensed under this
13 chapter where licensure is required;
- 14 (18) Violating this chapter, any other applicable licensing
15 laws, or any rule or order of the director; or
- 16 (19) Using or removing without authorization controlled
17 substances or drugs, including diverting or attempting
18 to divert drugs or controlled substances for
19 unauthorized use."



1 SECTION 12. Section 671-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "health care provider" to
3 read as follows:

4 ""Health care provider" means a physician, osteopathic
5 physician, surgeon, or physician assistant licensed under
6 chapter 453~~[7-a]~~; podiatrist licensed under chapter 463E~~[7-a]~~;
7 health care facility as defined in section 323D-2~~[7]~~; midwife
8 licensed under chapter 457J; and the employees of any of them.
9 Health care provider shall not mean any nursing institution or
10 nursing service conducted by and for those who rely upon
11 treatment by spiritual means through prayer alone, or employees
12 of the institution or service."

13 SECTION 13. This Act does not affect rights and duties
14 that matured, penalties that were incurred, and proceedings that
15 were begun before its effective date.

16 SECTION 14. In codifying the new sections added by section
17 2 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 15. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

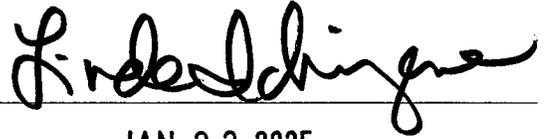


H.B. NO. 1194

1 SECTION 16. This Act shall take effect on June 29, 2025.

2

INTRODUCED BY:



JAN 22 2025



H.B. NO. 1194

Report Title:

Midwives; Practice of Midwifery; Scope of Practice; Certified Midwives; Certified Professional Midwives; Licensure; Requirements; License Renewal; Prescriptive Authority; Peer Review; Data Submission; Medical Records

Description:

Makes midwife regulatory laws permanent. Clarifies the scope of practice of midwifery. Establishes licensure requirements for certified midwives and certified professional midwives. Grants global signature authority to licensed midwives. Establishes continuing education requirements. Grants prescriptive authority to licensed midwives practicing as certified midwives and amends the list of approved legend drugs that may be administered. Establishes peer review and data submission requirements. Clarifies exemptions from licensure and grounds for refusal to renew, reinstate, or restore licenses. Clarifies medical record availability and retention requirements for the purposes of medical torts. Effective 6/29/2025.

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