
A BILL FOR AN ACT

RELATING TO MIDWIVES.

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

1 SECTION 1. The legislature finds that the State first
2 began regulating midwives in 1931 by establishing a registration
3 requirement, which subsequently progressed to certification and
4 finally, licensure. However, the regulation of midwives was
5 repealed when, in 1998, nurse-midwives were placed under the
6 purview of the board of nursing. Despite the lack of
7 regulation, many individuals continued to practice midwifery and
8 many families in the community sought out midwife services.

9 The legislature also finds that, per the Hawaii Regulatory
10 Licensing Reform Act, the State is required to regulate
11 professions or vocations where the health, safety, or welfare of
12 the consumer may be jeopardized by the nature of the service
13 offered by the provider. In 1999 and 2017, the legislature
14 requested the state auditor to conduct a sunrise analysis to
15 determine if regulation of midwives was warranted. While the
16 sunrise analysis conducted in 1999 and reported in Auditor's
17 Report No. 99-14 determined that it was premature to regulate



1 midwives at that time, that report and the 2017 Auditor's Report
2 No. 17-01 both determined that the nature of the maternity and
3 prenatal services provided by a midwife may endanger the health
4 and safety of women and newborns under the midwife's care and,
5 therefore, the profession of midwifery should be subject to
6 regulation. The Auditor's Report No. 17-01 in particular
7 recommended the legislature consider establishing a mandatory
8 licensing framework for all midwives. Recognizing the potential
9 for harm to public health and safety posed by the unregulated
10 practice of midwifery, the legislature passed Act 32, Session
11 Laws of Hawaii 2019 (Act 32), and established a regulatory
12 framework for the practice of midwifery that was subsequently
13 codified as chapter 457J, Hawaii Revised Statutes (chapter
14 457J). Since the passage of Act 32, approximately forty-one
15 individuals have been licensed under chapter 457J. These
16 regulations are set to sunset on June 30, 2025, unless the
17 legislature takes action to continue the regulation of midwives.

18 The legislature further finds that, as part of its sunset
19 analysis, and reported in Auditor's Summary Report No. 25-03
20 (2025), the auditor found that the practice of midwifery posed a
21 clear and significant potential harm to the health and safety of



1 the public and that the State's policies regarding the
2 regulation of certain types of professions support the continued
3 regulation of the practice of midwifery in the form of full
4 licensure.

5 The legislature affirms that the practice of midwifery
6 under this Act does not include Native Hawaiian traditional
7 practices performed by traditional Hawaiian healers. The
8 legislature also affirms that practicing midwifery according to
9 this Act does not impede one's ability to incorporate or provide
10 cultural practices.

11 Accordingly, the purpose of this Act is to:

- 12 (1) Make regulatory laws for the practice of midwifery
13 permanent;
- 14 (2) Clarify the scope of practice of midwifery and
15 establish licensure requirements for certified
16 midwives and certified professional midwives,
17 including continuing education requirements;
- 18 (3) Grants global signature authority to midwives;
- 19 (4) Grant prescriptive authority to certified midwives and
20 amend the list of approved legend drugs that may be
21 administered;



- 1 (5) Establish peer review and data submission requirements
- 2 for midwives;
- 3 (6) Affirm that the practice of midwifery does not include
- 4 traditional native Hawaiian healing practices
- 5 performed by traditional Hawaiian healers;
- 6 (7) Clarify exemptions from licensure and grounds for
- 7 refusal to renew, reinstate, or restore licenses; and
- 8 (8) Clarify medical record availability and retention
- 9 requirements for the purposes of medical torts.

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

13 **"§457J-A Scope of practice of midwifery.** (a) The scope
 14 of practice of midwifery means the full practice of midwifery,
 15 regardless of compensation or personal profit, as determined by
 16 the director, rules adopted by the director, and midwifery
 17 standards established or recognized by the director pursuant to
 18 this chapter. The scope of practice of midwifery shall be based
 19 on and be consistent with a midwife's education and national
 20 certification, including but not limited to:



- 1 (1) Evaluating the physical and psychosocial health status
- 2 of clients through a comprehensive health history,
- 3 physical examination, and risk assessment based on
- 4 observation, inspection, palpation, percussion, and
- 5 auscultation, of the client or clients and using
- 6 diagnostic instruments and procedures;
- 7 (2) Formulating a diagnosis;
- 8 (3) Observation, assessment, development, implementation,
- 9 and evaluation of a plan of care;
- 10 (4) Providing education and counseling related to the
- 11 health promotion, disease prevention, and health care
- 12 of midwife clients, with a particular focus on a
- 13 healthy pregnancy and childbirth, the postpartum
- 14 period, care of the newborn, and the family planning
- 15 and gynecological needs of midwife clients;
- 16 (5) Obtaining informed consent, as required by section
- 17 671-3, in accordance with the midwife's professional
- 18 requirements;
- 19 (6) Supervision and teaching of other personnel;
- 20 (7) Teaching of individuals, families, and groups;
- 21 (8) Provision of midwifery services via telehealth;



- 1 (9) Administration, evaluation, supervision, and
2 coordination, including the delegation of
3 administrative and technical clinical tasks, of
4 midwifery practice;
- 5 (10) Provision of health care to the client in
6 collaboration with other members of the health care
7 team as autonomous health care professionals providing
8 the midwifery component of health care;
- 9 (11) Serving as a consultant and resource of midwifery
10 clinical knowledge and skills to those involved
11 directly or indirectly in client care;
- 12 (12) Operating within a health care system that provides
13 for consultation, collaborative management, and
14 referral with other health care professionals;
- 15 (13) Referring clients who require care beyond the scope of
16 practice of the midwife to an appropriate health care
17 provider or health care facility, or both, equipped to
18 address the client's health care needs;
- 19 (14) Initiating and maintaining accurate records;
- 20 (15) Admitting and discharging clients for inpatient care
21 at facilities licensed in the State as birth centers;



1 (16) Participating in joint and periodic evaluation of
2 services rendered such as peer review, including chart
3 reviews, case reviews, client evaluations, and outcome
4 of case statistics;

5 (17) Ordering, interpreting, and performing diagnostic,
6 screening, and therapeutic examinations, tests, and
7 procedures as authorized pursuant to this chapter and
8 within the midwife's role, education, and
9 certification; and

10 (18) Use of reasonable judgment in carrying out prescribed
11 medical orders of a licensed physician or osteopathic
12 physician licensed pursuant to chapter 453 or an
13 advanced practice registered nurse licensed pursuant
14 to chapter 457; orders of a physician assistant
15 licensed and practicing with physician supervision
16 pursuant to chapter 453 and acting as the agent of the
17 supervising physician; or orders of a midwife in
18 accordance with this chapter.

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



- 1 (1) Assessment and the diagnosis, prescription, selection,
2 and administration of therapeutic measures, including
3 over the counter drugs or legend drugs, or both,
4 according to this chapter; the provision of expedited
5 partner therapy pursuant to section 453-52; and
6 controlled substances within the certified midwife's
7 education, certification, and role and in accordance
8 with this chapter;
- 9 (2) The Standards for the Practice of Midwifery, or
10 successor document, of the American College of Nurse-
11 Midwives and American Midwifery Certification Board,
12 or successor organizations; provided that the American
13 College of Nurse-Midwives and American Midwifery
14 Certification Board shall have no legal authority over
15 the director and shall have no legal authority or
16 powers of oversight of the director in the exercise of
17 the director's powers and duties authorized by law;
- 18 (3) Assisting in surgery; and
- 19 (4) Admitting and discharging clients for inpatient care
20 at facilities licensed in the State as hospitals.



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

3 (1) Assessment and the diagnosis, selection, and
4 administration of therapeutic measures according to
5 the formulary authorized by section 457J-11 within the
6 certified professional midwife's education,
7 certification, and role; and

8 (2) The Essential Competencies for Midwifery Practice, or
9 successor document, as defined by the International
10 Confederation of Midwives, or successor organization;
11 provided that the International Confederation of
12 Midwives shall have no legal authority over the
13 director and shall have no legal authority or powers
14 of oversight of the director in the exercise of the
15 director's powers and duties authorized by law.

16 (d) A midwife shall comply with the requirements of this
17 chapter; recognize limits of the midwife's training and
18 experience and have transfer of care protocols for situations
19 that exceed the scope of authorized practice; consult with or
20 refer clients to other health care providers, as appropriate;
21 and participate in data submission and peer review requirements



1 adopted by the department; provided that peer review conducted
2 outside of the department shall not be used to replace
3 investigations against a midwife licensed pursuant to this
4 chapter by the regulated industries complaints office.

5 **§457J-B Care provided by midwives; requirements.** (a) A
6 midwife shall continually assess the appropriateness of the
7 planned location of birth and shall refer to the American
8 College of Nurse-Midwives Clinical Bulletin Number 61: Midwifery
9 Provision of Home Birth Services (November 2015), or succeeding
10 document, for guidance, taking into account the health and
11 condition of the midwife's client; provided that the American
12 College of Nurse-Midwives shall have no legal authority or
13 powers of oversight over the director in the exercise of the
14 director's powers and duties authorized by law.

15 (b) If the midwife determines that a condition of the
16 midwife's client or clients is outside of the midwife's scope of
17 practice, the midwife shall refer the client or clients to an
18 appropriate health care provider or health care facility, or
19 both, equipped to address the client's health care needs;
20 provided that the midwife shall collaborate with the client or
21 clients or the client's guardian to document what factors will



1 necessitate a change in birth settings to an emergency setting
2 in response to emerging conditions outside the scope of practice
3 of the midwife.

4 (c) If the midwife is attending a birth at a location
5 without a physician and an operating room and determines during
6 the midwife's care that the client or clients faces imminent
7 morbidity or mortality, the midwife shall activate the 911
8 system and initiate transfer of care protocols.

9 (d) If the midwife transfers care of the midwife's client
10 or clients during the intrapartum or immediate postpartum
11 period, the midwife shall provide the receiving provider with,
12 at minimum, the information regarding the midwife's client or
13 clients listed on the transfer form adopted by the department.
14 The transfer form may include reasons for the transfer, brief
15 relevant clinical history, and planned mode of transport.

16 (e) If the midwife's client, or the midwife's client's
17 guardian declines assistance from appropriate licensed health
18 care providers or the 911 system, the midwife shall continually
19 urge the client or the client's guardian to transfer care to an
20 appropriate licensed health care provider and may continue to
21 provide care to save the life of the client or the newborn;



1 provided that the midwife shall only perform actions within the
2 midwife's scope of practice.

3 **§457J-C License renewal continuing education requirement.**

4 (a) Beginning July 1, 2026, each midwife shall provide
5 documentation of successful completion of thirty contact hours
6 during the prior triennium of appropriate continuing education
7 that is related to the practice of midwifery.

8 (b) Each licensee practicing as a certified midwife shall
9 provide documentation of successful completion of continuing
10 education that is from accredited colleges or universities or
11 approved by an organization recognized by the Continuing
12 Education Policy, or successor document, of the American
13 Midwifery Certification Board, or successor organization;
14 provided that a minimum of eight hours of continuing education
15 shall be in pharmacology.

16 (c) Each licensee practicing as a certified professional
17 midwife shall provide documentation of successful completion of
18 continuing education that is from an accredited college or
19 university or granted by an accrediting organization recognized
20 by the North American Registry of Midwives, or successor
21 organization; provided that six hours of continuing education



1 shall include treatment of shock/intravenous therapy and
2 suturing.

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

7 (e) The director may extend the deadline for compliance
8 with the continuing education requirements established by this
9 section on a case-by-case basis; provided that prior to the
10 expiration of a license, the midwife seeking an extension shall
11 submit a written request for the extension and any documentation
12 required by the director to substantiate the reason for an
13 extension of the deadline for compliance with the continuing
14 education requirements established by this section.

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

17 (g) The director may conduct random audits of licensees to
18 determine compliance with the continuing education requirement.
19 The director shall provide written notice of an audit to all
20 licensees randomly selected for audit. Within sixty days of
21 notification, the licensee shall provide the director with



1 documentation verifying compliance with the continuing education
2 requirement established by this section.

3 **§457J-D Global signature authority.** Midwives shall be
4 authorized to sign, certify, or endorse all documents relating
5 to health care provided for their clients within their scope of
6 practice, including workers' compensation verification
7 documents, temporary disability insurance forms, verification
8 and evaluation forms of the department of human services and
9 department of education, verification and authorization forms of
10 the department of health, and physical examination forms;
11 provided that nothing in this section shall be construed to
12 expand the scope of practice of midwifery.

13 **§457J-E Prescriptive authority.** (a) Prescriptive
14 authority shall be granted solely to midwives practicing as
15 certified midwives and shall not be granted to midwives
16 practicing as certified professional midwives. Midwives
17 practicing as certified midwives shall only prescribe those
18 drugs appropriate to midwifery care as recognized by the
19 director and in accordance with the current exclusionary
20 formulary defined by the board of nursing for advanced practice
21 registered nurses.



1 (b) Only a midwife practicing as a certified midwife may
2 communicate, represent, or imply in any manner, including
3 through the use of a sign, card, or device, that the person is a
4 midwife who is authorized to prescribe.

5 (c) A midwife practicing as a certified midwife shall
6 comply with all applicable federal and state laws, regulations,
7 and rules relating to the prescription, dispensing, and
8 administration of drugs. A midwife practicing as a certified
9 midwife shall only prescribe and administer over the counter
10 drugs, legend drugs, and controlled substances pursuant to this
11 chapter and chapter 329. A midwife practicing as a certified
12 midwife may request, receive, and dispense a manufacturer's
13 prepackaged samples of over the counter and non-controlled
14 legend drugs to patients under the midwife's care; provided that
15 the midwife practicing as a certified midwife shall not request,
16 receive, or sign for samples of controlled substances. A
17 midwife practicing as a certified midwife may prescribe, order,
18 and dispense medical devices and equipment that are appropriate
19 to the midwife's scope of practice and plan and initiate a
20 therapeutic regimen that includes nutritional, diagnostic, and



1 supportive services including home health care, hospice, and
2 physical and occupational health.

3 (d) Prescriptions issued by a midwife practicing as a
4 certified midwife shall be written in accordance with section
5 329-38.

6 (e) It shall be a violation of this chapter for a midwife
7 practicing as a certified professional midwife to communicate,
8 represent, or imply in any manner, including through the use of
9 any sign, card, or device, that the person is a midwife with
10 prescriptive authority.

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



1 (b) Failure to comply with this section shall be an
2 offense punishable by a fine of no less than \$100 for the first
3 offense, \$250 to \$500 for the second offense, and \$500 to \$1,000
4 for any subsequent offense.

5 **§457J-G Peer review requirements; license renewal.** (a)
6 Beginning June 30, 2029, each midwife shall, as a condition of
7 license renewal:

8 (1) Participate in a Hawaii based peer review committee
9 during each triennium subject to the requirements of
10 section 624-25.5; and

11 (2) Attest that the midwife has completed a peer review
12 for a minimum of five of the midwife's clinical cases
13 from the prior triennium, with at least two midwives
14 licensed in the State who were not involved in the
15 clinical cases under review participating in the peer
16 review process; and

17 (3) Attest that the midwife has completed a peer review
18 within ninety days of any case that includes
19 conditions outside of the midwife's scope of practice;
20 uterine rupture; or maternal or neonatal
21 hospitalization for infection, blood transfusion,



1 intensive care unit admission, infant failure to
2 thrive, neonatal Apgar Score of less than seven at
3 five minutes, emergent transfer of care, or mortality.

4 (b) If the midwife has served fewer than five clients in
5 the prior triennium, the requirements of subsection (a) (2) may
6 be waived upon a determination by the department; provided that
7 if the requirements of subsection (a) (2) are waived, the midwife
8 shall participate in the review of five cases of another midwife
9 practicing in the State.

10 (c) The midwife shall receive written confirmation of
11 participation in a peer review process from the Hawaii based
12 peer review committee and shall maintain copies of the midwife's
13 participation records.

14 **§457J-H Data submission requirements; license renewal.**

15 (a) Beginning June 30, 2029, a midwife shall, as a condition of
16 license renewal:

17 (1) Submit data on all courses of care for every
18 gestational parent and newborn under the midwife's
19 care to a national or state research organization
20 approved by the department. If a gestational parent
21 declines to participate in the collection of data, the



1 midwife shall follow the protocol of the approved
2 national or state research organization; and

3 (2) Attest that the midwife has submitted data annually
4 during the prior triennium.

5 (b) The data submission requirements may be waived if the
6 midwife attests that the midwife has not provided midwifery care
7 to any clients during the prior triennium.

8 (c) The midwife shall receive written confirmation of
9 participation in data submission from the national or state
10 research organization and shall maintain copies of the midwife's
11 participation records."

12 SECTION 3. Section 26H-4, Hawaii Revised Statutes, is
13 amended to read as follows:

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

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



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

3 SECTION 4. 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 5. 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 6. 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 7. 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 "Accredited birth facility" means a hospital that has been
20 accredited by The Joint Commission or a birth center that has



1 been accredited by the Commission for the Accreditation of Birth
2 Centers.

3 "American College of Nurse-Midwives" means the professional
4 association that represents and sets the standards for practice
5 through core competencies and scope of practice for certified
6 nurse-midwives/certified midwives in the United States.

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

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

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



1 services commensurate with the educational preparation and
2 demonstrated competency of the individual having specialized
3 training, and skill based on the principles of the biological,
4 physical, behavioral, and sociological sciences and midwifery
5 theory, whereby the individual shall be accountable and
6 responsible to the client for the quality of midwifery care
7 rendered. "Practice of midwifery" does not include traditional
8 healing practices performed by:

- 9 (1) A traditional Hawaiian healer under article XII,
10 section 7 of the Hawaii state constitution; or
11 (2) An individual who has been recognized as a traditional
12 Hawaiian healer by any council of kupuna convened by
13 Papa Ola Lokahi.

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 8. 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] This
17 chapter shall not apply to a person who 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 enrolled in [a]
5 an accredited midwifery educational program and under
6 the direct supervision of a qualified midwife
7 preceptor; provided that the practice of midwifery is
8 incidental to the program of study engaged by the
9 student;

10 [~~(4) A person rendering aid in an emergency where no fee~~
11 ~~for the service is contemplated, charged, or received;~~
12 ~~or~~

13 ~~(5) A person acting as a birth attendant on or before July~~
14 ~~1, 2023, who:~~

15 ~~(A) Does not use legend drugs or devices, the use of~~
16 ~~which requires a license under the laws of the~~
17 ~~State;~~

18 ~~(B) Does not advertise that the person is a licensed~~
19 ~~midwife;~~

20 ~~(C) Discloses to each client verbally and in writing~~
21 ~~on a form adopted by the department, which shall~~



1 ~~be received and executed by the person under the~~
2 ~~birth attendant's care at the time care is first~~
3 ~~initiated;~~

4 ~~(i) That the person does not possess a~~
5 ~~professional license issued by the State to~~
6 ~~provide health or maternity care to women or~~
7 ~~infants;~~

8 ~~(ii) That the person's education and~~
9 ~~qualifications have not been reviewed by the~~
10 ~~State;~~

11 ~~(iii) The person's education and training;~~

12 ~~(iv) That the person is not authorized to~~
13 ~~acquire, carry, administer, or direct others~~
14 ~~to administer legend drugs;~~

15 ~~(v) Any judgment, award, disciplinary sanction,~~
16 ~~order, or other determination that adjudges~~
17 ~~or finds that the person has committed~~
18 ~~misconduct or is criminally or civilly~~
19 ~~liable for conduct relating to midwifery by~~
20 ~~a licensing or regulatory authority;~~



1 ~~territory, state, or any other jurisdiction;~~

2 and

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

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

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

17 ~~(c) Nothing in this chapter shall prohibit a person from~~
18 ~~administering]~~

19 (4) Providing traditional Hawaiian healing practices as a:
20 (A) A traditional Hawaiian healer under article XII,
21 section 7 of the Hawaii state constitution; or



1 (B) An individual who has been recognized as a
2 traditional Hawaiian healer by any council of
3 kupuna convened by Papa Ola Lokahi;

4 (5) Providing services in the case of emergency or the
5 domestic administration of family remedies; or

6 (6) Administering care to [a] the person's spouse,
7 domestic partner, parent, sibling, or child."

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

10 "~~[+]§457J-8[+]~~ **Application for license as a midwife.** (a)

11 To obtain a license under this chapter, the applicant shall
12 provide:

13 (1) An application for licensure;

14 (2) The required fees;

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

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

17 ~~(B) Certified midwife;~~

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



- 1 ~~(A) An educational program or pathway accredited by~~
- 2 ~~the Midwifery Education Accreditation Council; or~~
- 3 ~~(B) A midwifery bridge certificate issued by the~~
- 4 ~~North American Registry of Midwives for certified~~
- 5 ~~professional midwife applicants who either~~
- 6 ~~obtained certification before January 1, 2020,~~
- 7 ~~through a non-accredited pathway, or who have~~
- 8 ~~maintained licensure in a state that does not~~
- 9 ~~require accredited education;~~
- 10 ~~(5)]~~ (3) A copy of current certification in
- 11 cardiopulmonary resuscitation of the adult and
- 12 infant/child by the American Heart Association, Red
- 13 Cross, or American Safety and Health Institute Basic
- 14 Life Support that includes a hands-on skill component;
- 15 provided that the certification shall be current at
- 16 the time of application and remain valid throughout
- 17 the license period;
- 18 (4) A copy of current certification in a neonatal
- 19 resuscitation program of the American Academy of
- 20 Pediatrics that includes a hands-on skills component;
- 21 provided that the certification shall be current at



- 1 the time of application and remain valid throughout
2 the license period;
- 3 (5) If applicable, evidence of any licenses held or once
4 held in other jurisdictions indicating the status of
5 the license and documenting any disciplinary
6 proceedings pending or taken by any jurisdiction;
- 7 (6) Information regarding any conviction of any crime
8 which has not been annulled or expunged; [~~and~~]
- 9 (7) Any other information the department may require to
10 investigate the applicant's qualifications for
11 licensure[~~-~~];
- 12 (8) Any additional requirements adopted by the director;
13 and
- 14 (9) Evidence of qualifications for licensure.
- 15 (b) Evidence of qualifications for licensure as a
16 certified midwife shall consist of the following:
- 17 (1) Proof of current, unencumbered certification as a
18 certified midwife by the American Midwifery
19 Certification Board or a successor organization;
- 20 (2) Proof of successful completion of a graduate-level
21 midwifery program accredited by the Accreditation



1 Commission for Midwifery Education, or successor
2 organization, leading to a master's degree or higher
3 as a midwife; and

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

19 (A) At least thirty contact hours of advanced
20 pharmacology, including advanced
21 pharmacotherapeutics, from a college or



1 university accredited by the Accreditation
2 Commission for Midwifery Education, or successor
3 organization; or
4 (B) At least thirty contact hours of continuing
5 education in advanced pharmacology, including
6 advanced pharmacotherapeutics, approved by the
7 Continuing Education Policy, or successor
8 document, of the American Midwifery Certification
9 Board, or successor organization; provided that
10 the continuing education pharmacology contact
11 hours shall be related to the applicant's scope
12 of midwifery practice.
13 (c) Evidence of qualifications for licensure as a
14 certified professional midwife shall consist of the following:
15 (1) Proof of current and valid certification as a
16 certified professional midwife by the North American
17 Registry of Midwives or a successor organization; and
18 (2) Proof of successful completion of a formal midwifery
19 education and training program as follows:
20 (A) A midwifery educational program or pathway
21 accredited by the Midwifery Education



1 Accreditation Council, or successor organization,
2 or another nationally recognized accrediting
3 agency approved by the United States Department
4 of Education; or

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

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

12 "~~+~~**\$457J-10**~~+~~ **Renewals.** (a) Every license issued under
13 this chapter shall be renewed triennially on or before June 30,
14 with the first renewal deadline occurring on June 30, 2023.
15 Failure to renew a license shall result in a forfeiture of the
16 license. Licenses [~~which~~] that have been so forfeited may be
17 restored within one year of the expiration date upon payment of
18 renewal and penalty fees. Failure to restore a forfeited
19 license within one year of the date of its expiration shall
20 result in the automatic termination of the license. Relicensure
21 after termination shall require the person to apply as a new



1 applicant and again satisfy all licensing requirements in place
2 at the time of the new application.

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

4 (1) Pay all required nonrefundable fees;

5 (2) Submit a completed renewal application;

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

9 (4) Provide a copy of current certification in
10 cardiopulmonary resuscitation of the adult and
11 infant/child by the American Heart Association, Red
12 Cross, or American Safety and Health Institute Basic
13 Life Support that includes a hands-on skill component;
14 provided that the certification shall be current at
15 the time of application and remain valid throughout
16 the license period;

17 (5) Provide a copy of current certification in a neonatal
18 resuscitation program of the American Academy of
19 Pediatrics that includes a hands-on skills component;
20 provided that the certification shall be current at



- 1 the time of application and remain valid throughout
2 the license period;
3 (6) By June 30, 2029, and every triennium thereafter,
4 complete the peer review requirements of 457J-G; and
5 (7) By June 30, 2029, and every triennium thereafter,
6 complete the data submission requirements of 457J-H."

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

- 9 "**[+]§457J-11[+]** **Authority to purchase and administer**
10 **certain legend drugs and devices.** (a) A midwife licensed under
11 this chapter may purchase and administer non-controlled legend
12 drugs and devices that are used in pregnancy, birth, postpartum
13 care, newborn care, or resuscitation, and that are deemed
14 integral to providing care to the public by the department.
15 (b) Legend drugs authorized under subsection (a) are
16 limited for:
17 (1) Neonatal use to prophylactic ophthalmic medications,
18 vitamin K, epinephrine for neonatal resuscitation per
19 neonatal resuscitation guidelines, and oxygen; and
20 (2) Maternal use to antibiotics for Group B Streptococcal
21 antibiotic prophylaxis per guidelines adopted by the



1 Centers for Disease Control and Prevention[7];
2 postpartum antihemorrhagics[7]; Rho(D) immune
3 globulin[7]; epinephrine for anaphylactic reaction to
4 an administered medication[7]; intravenous fluids[7];
5 amino amide local anesthetic[7]; nitrous oxide for
6 pain relief when used in an accredited birth facility
7 and in accordance with facility policies; non-hormonal
8 contraceptives; hormonal implants pursuant to any
9 manufacturer certification requirements, as prescribed
10 by a licensed health care provider with prescriptive
11 authority under this chapter, chapter 453, or section
12 457-8.6; and oxygen.

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

16 (c) Legend devices authorized under subsection (a) are
17 limited to devices for:

- 18 (1) Injection of medications;
19 (2) The administration of intravenous fluids;
20 (3) Adult and infant resuscitation;
21 (4) Rupturing amniotic membranes;



- 1 (5) Repairing vaginal tears; [~~and~~]
2 (6) Postpartum hemorrhage[-]; and
3 (7) Mechanical, non-pharmacologic cervical dilation when
4 used at or after thirty-nine weeks gestation in
5 pregnancy.

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

10 (e) Nothing in this section shall preclude a midwife
11 practicing as a certified professional midwife from carrying out
12 the prescribed medical orders of a licensed physician or
13 osteopathic physician licensed pursuant to chapter 453 or
14 advanced practice registered nurse licensed pursuant to chapter
15 457; orders of a physician assistant licensed and practicing
16 with physician supervision pursuant to chapter 453, and acting
17 as the agent of the supervising physician; or orders of a
18 recognized midwife practicing as a certified midwife in
19 accordance with this chapter."

20 SECTION 12. Section 457J-12, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " [†]§457J-12[†] **Grounds for refusal to grant, renew,**
2 **reinstate, or restore licenses and for revocation, suspension,**
3 **denial, or condition of licenses.** In addition to any other acts
4 or conditions provided by law, the director may refuse to grant,
5 renew, reinstate, or restore, or may deny, revoke, suspend, or
6 condition in any manner, any license for any one or more of the
7 following acts or conditions on the part of the licensee or the
8 applicant thereof:

- 9 (1) Failing to meet or maintain the conditions and
10 requirements necessary to qualify for the granting of
11 a license;
- 12 (2) Failing to notify the department in writing that the
13 licensee's certification as a certified professional
14 midwife or as a certified midwife is no longer current
15 or unencumbered within thirty days of the change in
16 status;
- 17 (3) Engaging in false, fraudulent, or deceptive
18 advertising, or making untruthful or improbable
19 statements;
- 20 (4) Being addicted to, dependent on, or a habitual user of
21 ~~[a narcotic, barbiturate, amphetamine, hallucinogen,~~



- 1 ~~opium, or cocaine, or other drugs or derivatives of a~~
2 ~~similar nature;~~ illicit substances, or abusing
3 controlled substances, or both;
- 4 (5) Practicing as a [licensed] midwife while impaired by,
5 at minimum, alcohol, drugs, non-accommodated physical
6 disability, or mental instability;
- 7 (6) Procuring a license through fraud, misrepresentation,
8 or deceit;
- 9 (7) Aiding and abetting an unlicensed person to directly
10 or indirectly perform activities requiring a license;
- 11 (8) Engaging in professional misconduct as defined by the
12 program in accordance with its own rules,
13 incompetence, gross negligence, or manifest incapacity
14 in the practice of midwifery;
- 15 (9) Failing to maintain a record or history of competency,
16 trustworthiness, fair dealing, and financial
17 integrity;
- 18 (10) Engaging in conduct or practice contrary to recognized
19 standards of ethics for the practice of midwifery;
- 20 (11) Violating any condition or limitation upon which a
21 conditional license was issued;



- 1 (12) Engaging in business under a past or present license
2 issued pursuant to this chapter, in a manner causing
3 injury to one or more members of the public;
- 4 (13) Failing to comply, observe, or adhere to any law in a
5 manner such that the director deems the applicant or
6 licensee to be an unfit or improper person to hold a
7 license;
- 8 (14) Having a revocation, suspension, or other disciplinary
9 action by a territory, or by another state or federal
10 agency against a licensee or applicant for any reason
11 provided by the licensing laws or this section;
- 12 (15) Having a criminal conviction, whether by nolo
13 contendere or otherwise, of a penal crime directly
14 related to the qualifications, functions, or duties of
15 a [~~licensed~~] midwife;
- 16 (16) Failing to report in writing to the director any
17 disciplinary decision issued against the licensee or
18 the applicant in another jurisdiction within thirty
19 days of the disciplinary decision;



- 1 (17) Employing, utilizing, or attempting to employ or
2 utilize at any time any person not licensed under this
3 chapter where licensure is required;
- 4 (18) Violating this chapter, any other applicable licensing
5 laws, or any rule or order of the director; or
- 6 (19) Using or removing without authorization controlled
7 substances or drugs, including diverting or attempting
8 to divert drugs or controlled substances for
9 unauthorized use."

10 SECTION 13. Section 671-1, Hawaii Revised Statutes, is
11 amended by amending the definition of "health care provider" to
12 read as follows:

13 ""Health care provider" means a physician, osteopathic
14 physician, surgeon, or physician assistant licensed under
15 chapter 453[~~7~~-a]; podiatrist licensed under chapter 463E[~~7~~-a];
16 health care facility as defined in section 323D-2[~~7~~]; midwife
17 licensed under chapter 457J; and the employees of any of them.
18 Health care provider shall not mean any nursing institution or
19 nursing service conducted by and for those who rely upon
20 treatment by spiritual means through prayer alone, or employees
21 of the institution or service."



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

4 SECTION 15. In codifying the new sections added by section
5 2 of this Act, the revisor of statutes shall substitute
6 appropriate section numbers for the letters used in designating
7 the new sections in this Act.

8 SECTION 16. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 17. This Act shall take effect on July 1, 3000.



Report Title:

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

Description:

Makes laws regulating midwives and the practice of midwifery permanent. Clarifies the scope of practice of midwifery. Establishes licensure requirements for certified midwives and certified professional midwives. Establishes continuing education requirements. Grants global signature authority to midwives. 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. Affirms that the practice of midwifery does not include traditional Hawaiian healers performing traditional Hawaiian healing practices. 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 7/1/3000. (HD1)

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