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# 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5 repealed when, in 1998, nurse-midwives were placed under the  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 midwifery 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 and  
7 customary practices. The legislature also affirms that  
8 practicing midwifery according to this Act does not impede one's  
9 ability to incorporate or provide cultural practices.

10 Accordingly, the purpose of this Act is to:

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



- 1 (5) Establish peer review and data submission requirements
- 2 for midwives;
- 3 (6) Affirm that the practice of midwifery does not include
- 4 Native Hawaiian traditional and customary practices;
- 5 (7) Clarify exemptions from licensure and grounds for
- 6 refusal to grant, renew, reinstate, or restore
- 7 licenses or for revocation, suspension, denial, or
- 8 condition of a license; and
- 9 (8) Clarify medical record availability and retention
- 10 requirements for the purposes of medical torts.

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

14 **"§457J-A Scope of practice of midwifery.** (a) The scope  
 15 of practice of midwifery means the full practice of midwifery,  
 16 regardless of compensation or personal profit, as determined by  
 17 the director, rules adopted by the director, and midwifery  
 18 standards established or recognized by the director pursuant to  
 19 this chapter. The scope of practice of midwifery shall be based  
 20 on and be consistent with a midwife's education and national  
 21 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, excluding the performance, supervision,  
10       and interpretation of procedures utilizing ionizing  
11       radiation; and
- 12       (18) Use of reasonable judgment in carrying out prescribed  
13       medical orders of a licensed physician or osteopathic  
14       physician licensed pursuant to chapter 453 or an  
15       advanced practice registered nurse licensed pursuant  
16       to chapter 457; orders of a physician assistant  
17       licensed and practicing with physician supervision  
18       pursuant to chapter 453 and acting as the agent of the  
19       supervising physician; or orders of a midwife in  
20       accordance with this chapter.



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

3       (1) Assessing and diagnosing clients and the prescription,  
4       selection, and administration of therapeutic measures,  
5       including over the counter drugs or legend drugs, or  
6       both, according to this chapter; the provision of  
7       expedited partner therapy pursuant to section 453-52;  
8       and controlled substances within the certified  
9       midwife's education, certification, and role and in  
10       accordance with this chapter;

11       (2) Complying with the Standards for the Practice of  
12       Midwifery, or successor document, of the American  
13       College of Nurse-Midwives and American Midwifery  
14       Certification Board, or successor organizations;  
15       provided that the American College of Nurse-Midwives  
16       and American Midwifery Certification Board shall have  
17       no legal authority over the director and shall have no  
18       legal authority or powers of oversight of the director  
19       in the exercise of the director's powers and duties  
20       authorized by law;

21       (3) Assisting in surgery; and



1       (4) Admitting and discharging clients for inpatient care  
2               at facilities licensed in the State as hospitals.

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

5       (1) Assessing and diagnosing clients and the selection and  
6               administration of therapeutic measures according to  
7               the formulary authorized by section 457J-11 within the  
8               certified professional midwife's education,  
9               certification, and role; and

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

19       (d) A midwife shall comply with the requirements of this  
20 chapter; recognize limits of the midwife's training and  
21 experience and have transfer of care protocols for situations



1 that exceed the scope of authorized practice; consult with or  
2 refer clients to other health care providers, as appropriate;  
3 and participate in data submission and peer review requirements  
4 adopted by the department; provided that peer review conducted  
5 outside of the department shall not be used to replace  
6 investigations against a midwife licensed pursuant to this  
7 chapter by the regulated industries complaints office.

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

18 (b) If the midwife determines that a condition of the  
19 midwife's client or clients is outside of the midwife's scope of  
20 practice, the midwife shall refer the client or clients to an  
21 appropriate health care provider or health care facility, or



1 both, equipped to address the client's health care needs;  
2 provided that the midwife shall collaborate with the client or  
3 clients or the client's guardian to document what factors will  
4 necessitate a change in birth settings to an emergency setting  
5 in response to emerging conditions outside the scope of practice  
6 of the midwife.

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

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

19 (e) If the midwife's client, or the midwife's client's  
20 guardian declines assistance from appropriate licensed health  
21 care providers or the 911 system, the midwife shall continually



1 urge the client or the client's guardian to transfer care to an  
2 appropriate licensed health care provider and may continue to  
3 provide care to save the life of the client or the newborn;  
4 provided that the midwife shall only perform actions within the  
5 midwife's scope of practice.

6 **§457J-C License renewal continuing education requirement.**

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

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

19 (c) Each licensee practicing as a certified professional  
20 midwife shall provide documentation of successful completion of  
21 continuing education that is from an accredited college or



1 university or granted by an accrediting organization recognized  
2 by the North American Registry of Midwives, or successor  
3 organization; provided that six hours of continuing education  
4 shall include treatment of shock/intravenous therapy and  
5 suturing.

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

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

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

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



1 The director shall provide written notice of an audit to all  
2 licensees randomly selected for audit. Within sixty days of  
3 notification, the licensee shall provide the director with  
4 documentation verifying compliance with the continuing education  
5 requirement established by this section.

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

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



1 formulary defined by the board of nursing for advanced practice  
2 registered nurses.

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

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



1 therapeutic regimen that includes nutritional, diagnostic, and  
2 supportive services including home health care, hospice, and  
3 physical and occupational health.

4 (d) Prescriptions issued by a midwife practicing as a  
5 certified midwife shall be written in accordance with section  
6 329-38.

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

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



1 all the parties or within thirty days after service of the  
2 arbitration award on the parties.

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

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

- 10 (1) Participate in a Hawaii-based peer review during each  
11 triennium subject to the requirements of section 624-  
12 25.5;
- 13 (2) Attest that the midwife has completed a peer review  
14 for a minimum of five of the midwife's clinical cases  
15 from the prior triennium, and if the intended place of  
16 birth of the clinical case presented was not a  
17 hospital setting or an accredited birth facility, the  
18 midwife shall complete that clinical case peer review  
19 with at least two midwives licensed in the State who  
20 were not involved in the clinical cases under review;  
21 and



1       (3) Attest that the midwife has completed a peer review  
 2       within ninety days of any case that includes  
 3       conditions outside of the midwife's scope of practice;  
 4       uterine rupture; or maternal or neonatal  
 5       hospitalization for infection, blood transfusion,  
 6       intensive care unit admission, infant failure to  
 7       thrive, neonatal Apgar Score of less than seven at  
 8       five minutes, emergent transfer of care, or mortality.

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

15      (c) The midwife shall receive written confirmation of  
 16      participation in a Hawaii-based peer review process and shall  
 17      maintain copies of the midwife's participation records.

18      **§457J-H Data submission requirements; license renewal.**

19      (a) The department may require a midwife, as a condition of  
 20      license renewal, to:

1       (1) Submit data to an organization approved by the  
2       department for every gestational parent and newborn  
3       under the midwife's care when the intended place of  
4       birth at any point in care is not a hospital setting  
5       or an accredited birth facility. If a gestational  
6       parent declines to participate in the collection of  
7       data, the midwife shall follow the protocol of the  
8       department; and

9       (2) Attest that the midwife has submitted data annually  
10       during the prior triennium.

11       (b) The data submission requirements may be waived if the  
12       midwife attests that the midwife has not provided midwifery care  
13       to any clients during the prior triennium or that the intended  
14       place of birth for all clients of the midwife was a hospital or  
15       accredited birth facility throughout the duration of care.

16       (c) The midwife shall receive written confirmation of  
17       participation in data submission from the department-approved  
18       organization and shall maintain copies of the midwife's  
19       participation records."

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



1           "**§26H-4 Repeal dates for newly enacted professional and**  
2 **vocational regulatory programs.** [~~a~~] Any professional or  
3 vocational regulatory program enacted after January 1, 1994, and  
4 listed in this section shall be repealed as specified in this  
5 section. The auditor shall perform an evaluation of the  
6 program, pursuant to section 26H-5, prior to its repeal date.

7           ~~[(b) Chapter 457J (midwives) shall be repealed on June 30,~~  
8 ~~2025.]"~~

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

11           1. By adding a new definition to be appropriately inserted  
12 and to read:

13           "Licensed midwife practicing as a certified midwife" means  
14 a person licensed under chapter 457J who is registered under  
15 this chapter to administer or prescribe a controlled substance;  
16 provided that a licensed midwife practicing as a certified  
17 midwife shall not be authorized to request, receive, or sign for  
18 professional controlled substance samples."

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



1            ""Designated member of the health care team" includes  
2 physician assistants, advanced practice registered nurses,  
3 licensed midwives practicing as certified midwives, and covering  
4 physicians who are authorized under state law to prescribe  
5 drugs."

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

7            ""Practitioner" means:

8            (1) A physician, dentist, veterinarian, scientific  
9            investigator, or other person licensed and registered  
10           under section 329-32 to distribute, dispense, or  
11           conduct research with respect to a controlled  
12           substance in the course of professional practice or  
13           research in this State;

14           (2) An advanced practice registered nurse with  
15           prescriptive authority licensed and registered under  
16           section 329-32 to prescribe and administer controlled  
17           substances in the course of professional practice in  
18           this State; [~~and~~]

19           (3) A licensed midwife practicing as a certified midwife  
20           licensed and registered under section 329-32 to



1           prescribe and administer controlled substances in the  
2           course of professional practice in this State; and  
3       ~~[-3-]~~ (4) A pharmacy, hospital, or other institution  
4           licensed, registered, or otherwise permitted to  
5           distribute, dispense, conduct research with respect to  
6           or to administer a controlled substance in the course  
7           of professional practice or research in this State."

8           SECTION 5. Section 453-51, Hawaii Revised Statutes, is  
9       amended by amending the definition of "health professional" to  
10      read as follows:

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

12           (1) A person licensed or otherwise authorized by law to  
13           practice medicine or surgery under this chapter and  
14           whose scope of practice includes the diagnosis and  
15           treatment of sexually transmitted diseases;

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

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



1       ~~[-(3)-]~~ (4) For the purpose of dispensing antibiotic therapy  
2               under this section, a pharmacist who is licensed or  
3               otherwise authorized to engage in the practice of  
4               pharmacy under chapter 461."

5       SECTION 6. Section 457J-1, Hawaii Revised Statutes, is  
6 amended to read as follows:

7       "~~[-]~~**\$457J-1**~~[+]~~ **Findings and purpose.** The legislature  
8 finds that:

9       (1) Midwives offer reproductive health care and maternity  
10             and newborn care [~~from the antepartum period through~~  
11             ~~the intrapartum period to the postpartum period;~~] to  
12             clients seeking midwifery services;

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

17       (3) The regulation of the practice of midwifery is  
18             reasonably necessary to protect the health, safety,  
19             and welfare of [~~mothers~~] persons choosing midwifery  
20             services and their newborns."



1 SECTION 7. Section 457J-2, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By adding five new definitions to be appropriately  
4 inserted and to read:

5 "Accredited birth facility" means a hospital that has been  
6 accredited by The Joint Commission or a birth center that has  
7 been accredited by the Commission for the Accreditation of Birth  
8 Centers.

9 "American College of Nurse-Midwives" means the professional  
10 association that represents and sets the standards for practice  
11 through core competencies and scope of practice for certified  
12 nurse-midwives/certified midwives in the United States.

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

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

19 "Practice of midwifery" means the independent provision of  
20 care, including initial and ongoing comprehensive assessment,  
21 diagnosis, and treatment during pregnancy, childbirth, the



1 postpartum period, and for healthy newborns; sexual and  
2 reproductive health; gynecologic health; and family planning  
3 services, including preconception care according to the  
4 midwife's scope of practice for all persons seeking midwifery  
5 care in all settings through the performance of professional  
6 services commensurate with the educational preparation and  
7 demonstrated competency of the individual having specialized  
8 training, and skill based on the principles of the biological,  
9 physical, behavioral, and sociological sciences and midwifery  
10 theory, whereby the individual shall be accountable and  
11 responsible to the client for the quality of midwifery care  
12 rendered. "Practice of midwifery" does not include Native  
13 Hawaiian traditional and customary practices as protected under  
14 article XII, section 7 of the Hawaii State Constitution.

15 "Telehealth" means the use of telecommunications as defined  
16 in section 269-1, to encompass four modalities: store and  
17 forward technologies, remote monitoring, live consultation, and  
18 mobile health; and which shall include but not be limited to  
19 real-time video conferencing-based communication, secure  
20 interactive and non-interactive web-based communication, and  
21 secure asynchronous information exchange, to transmit client



1 medical information, including diagnostic-quality digital images  
2 and laboratory results for medical interpretation and diagnosis,  
3 for the purposes of: delivering enhanced health care services  
4 and information while a client is at an originating site and the  
5 midwife is at a distant site; establishing a midwife-client  
6 relationship; evaluating a client; or treating a client. Except  
7 as provided through an interactive telecommunications system,  
8 standard telephone contacts, facsimile transmissions, or e-mail  
9 text, in combination or alone, do not constitute telehealth  
10 services."

11 2. By amending the definitions of "certified midwife" and  
12 "certified professional midwife" to read:

13 ""Certified midwife" means a person who has graduated from  
14 a graduate-level accredited educational program in midwifery,  
15 accredited by the Accreditation Commission for Midwifery  
16 Education, or successor organization, and who holds a current  
17 and valid national certification as a certified midwife from the  
18 American Midwifery Certification Board, or any successor  
19 organization.

20 "Certified professional midwife" means a person who has  
21 graduated from an accredited educational program or pathway in



1 midwifery, accredited by the Midwifery Education Accreditation  
2 Council, or successor organization, and who holds a current and  
3 valid national certification as a certified professional midwife  
4 from the North American Registry of Midwives, or any successor  
5 organization. A certified professional midwife who received  
6 their certification prior to January 1, 2020, through a non-  
7 accredited educational pathway shall have obtained a midwifery  
8 bridge certificate from the North American Registry of Midwives,  
9 or any successor organization."

10 3. By amending the definitions of "interconception" and  
11 "International Confederation of Midwives" to read:

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

15 "International Confederation of Midwives" means the  
16 accredited nongovernmental organization and representative of  
17 midwives and midwifery to organizations worldwide to achieve  
18 common goals in the care of [~~mothers~~] birthing people and  
19 newborns."

20 4. By amending the definition of "postpartum" to read:



1        "Postpartum" means the period of time immediately after  
2 and up to ~~[eight]~~ six weeks following ~~[the]~~ birth ~~[of the~~  
3 ~~baby]~~."

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

5        ~~["Midwifery" means the provision of one or more of the~~  
6 ~~following services:~~

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

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

14       ~~(3) Provision of advice and information regarding the~~  
15       ~~progress of childbirth and care for newborns and~~  
16       ~~infants."]~~

17       SECTION 8. Section 457J-6, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "~~[+]§457J-6[+]~~ **Exemptions.** (a) ~~[A person may practice~~  
20 ~~midwifery without a license to practice midwifery if the]~~ This  
21 chapter shall not apply to a person who is:



- 1 (1) A certified nurse-midwife holding a valid license  
2 under chapter 457;
- 3 (2) Licensed and performing work within the scope of  
4 practice or duties of the person's profession that  
5 overlaps with the practice of midwifery; provided that  
6 the person does not use the title "midwife", "licensed  
7 midwife", or the abbreviation "L.M.", or any other  
8 words, letters, abbreviations, or insignia indicating  
9 or implying that the person is a midwife;
- 10 (3) A student [~~midwife~~] who is currently enrolled in [a]  
11 an accredited midwifery educational program and under  
12 the direct supervision of a qualified midwife  
13 preceptor; provided that the practice of midwifery is  
14 incidental to the program of study engaged by the  
15 student;
- 16 [~~(4) A person rendering aid in an emergency where no fee~~  
17 ~~for the service is contemplated, charged, or received,~~  
18 ~~or~~
- 19 ~~(5) A person acting as a birth attendant on or before July~~  
20 ~~1, 2023, who:~~



1           ~~(A) Does not use legend drugs or devices, the use of~~  
2           ~~which requires a license under the laws of the~~  
3           ~~State;~~

4           ~~(B) Does not advertise that the person is a licensed~~  
5           ~~midwife;~~

6           ~~(C) Discloses to each client verbally and in writing~~  
7           ~~on a form adopted by the department, which shall~~  
8           ~~be received and executed by the person under the~~  
9           ~~birth attendant's care at the time care is first~~  
10          ~~initiated:~~

11          ~~(i) That the person does not possess a~~  
12          ~~professional license issued by the State to~~  
13          ~~provide health or maternity care to women or~~  
14          ~~infants;~~

15          ~~(ii) That the person's education and~~  
16          ~~qualifications have not been reviewed by the~~  
17          ~~State;~~

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

19          ~~(iv) That the person is not authorized to~~  
20          ~~acquire, carry, administer, or direct others~~  
21          ~~to administer legend drugs;~~



- 1           ~~(v) Any judgment, award, disciplinary sanction,~~  
2           ~~order, or other determination that adjudges~~  
3           ~~or finds that the person has committed~~  
4           ~~misconduct or is criminally or civilly~~  
5           ~~liable for conduct relating to midwifery by~~  
6           ~~a licensing or regulatory authority,~~  
7           ~~territory, state, or any other jurisdiction;~~  
8           ~~and~~
- 9           ~~(vi) A plan for transporting the client to the~~  
10           ~~nearest hospital if a problem arises during~~  
11           ~~the client's care; and~~
- 12           ~~(D) Maintains a copy of the form required by~~  
13           ~~subparagraph (C) for at least ten years and makes~~  
14           ~~the form available for inspection upon request by~~  
15           ~~the department.~~
- 16           ~~(b) Nothing in this chapter shall prohibit healing~~  
17           ~~practices by traditional Hawaiian healers engaged in traditional~~  
18           ~~healing practices of prenatal, maternal, and child care as~~  
19           ~~recognized by any council of kupuna convened by Papa Ola Lokahi.~~  
20           ~~Nothing in this chapter shall limit, alter, or otherwise~~



1 ~~adversely impact the practice of traditional Native Hawaiian~~  
2 ~~healing pursuant to the Constitution of the State of Hawaii.~~

3 ~~(c) Nothing in this chapter shall prohibit a person from~~  
4 ~~administering]~~

5 (4) Practicing Native Hawaiian traditional and customary  
6 practices as protected under article XII, section 7 of  
7 the Hawaii State Constitution;

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

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

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

14 "[~~§~~457J-8] **Application for license as a midwife.** (a)

15 To obtain a license under this chapter, the applicant shall  
16 provide:

17 (1) An application for licensure;

18 (2) The required fees;

19 [~~3~~] ~~Proof of current, unencumbered certification as a:~~

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

21 ~~(B) Certified midwife;~~



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



1       (4) A copy of current certification in a neonatal  
 2       resuscitation program of the American Academy of  
 3       Pediatrics that includes a hands-on skills component;  
 4       provided that the certification shall be current at  
 5       the time of licensure and the licensee shall be  
 6       responsible for maintaining current certification  
 7       throughout the license period;

8       (5) If applicable, evidence of any licenses held or once  
 9       held in other jurisdictions indicating the status of  
 10       the license and documenting any disciplinary  
 11       proceedings pending or taken by any jurisdiction;

12       (6) Information regarding any conviction of any crime  
 13       which has not been annulled or expunged; ~~and~~

14       (7) Any other information the department may require to  
 15       investigate the applicant's qualifications for  
 16       licensure[-];

17       (8) Any additional requirements adopted by the director;

18       and

19       (9) Evidence of qualifications for licensure.

20       (b) Evidence of qualifications for licensure as a

21       certified midwife shall consist of the following:



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



1 immediately preceding the date of application for  
2 initial prescriptive authority:

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

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

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



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

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

6       (A) A midwifery educational program or pathway  
7       accredited by the Midwifery Education  
8       Accreditation Council, or successor organization,  
9       or another nationally recognized accrediting  
10       agency approved by the United States Department  
11       of Education; or

12       (B) A midwifery bridge certificate issued by the  
13       North American Registry of Midwives, or successor  
14       organization, for certified professional midwife  
15       applicants who obtained certification before  
16       January 1, 2020."

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

19       "~~§~~**457J-10** **Renewals.** (a) Every license issued under  
20 this chapter shall be renewed triennially on or before June 30,  
21 with the first renewal deadline occurring on June 30, 2023.

1 Failure to renew a license shall result in a forfeiture of the  
2 license. Licenses [~~which~~] that have been so forfeited may be  
3 restored within one year of the expiration date upon payment of  
4 renewal and penalty fees. Failure to restore a forfeited  
5 license within one year of the date of its expiration shall  
6 result in the automatic termination of the license. Relicensure  
7 after termination shall require the person to apply as a new  
8 applicant and again satisfy all licensing requirements in place  
9 at the time of the new application.

- 10 (b) For each license renewal, the licensee shall:
- 11 (1) Pay all required nonrefundable fees;
- 12 (2) Submit a completed renewal application;
- 13 (3) Provide documentation of successful completion during  
14 the prior triennium of appropriate continuing  
15 education as required pursuant to section 457J-C;
- 16 (4) Provide a copy of current certification in  
17 cardiopulmonary resuscitation of the adult and  
18 infant/child by the American Heart Association, Red  
19 Cross, or American Safety and Health Institute Basic  
20 Life Support that includes a hands-on skill component;  
21 provided that the certification shall be current at



1           the time of renewal and the licensee shall be  
2           responsible for maintaining current certification  
3           throughout the license period;

4           (5) Provide a copy of current certification in a neonatal  
5           resuscitation program of the American Academy of  
6           Pediatrics that includes a hands-on skills component;  
7           provided that the certification shall be current at  
8           the time of renewal and the licensee shall be  
9           responsible for maintaining current certification  
10           throughout the license period;

11           (6) By June 30, 2029, and every triennium thereafter,  
12           complete the peer review requirements under section  
13           457J-G; and

14           (7) Submit data to an organization approved by the  
15           department as may be required under section 457J-H."

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

18           "~~§~~457J-11~~§~~ **Authority to purchase and administer**  
19 **certain legend drugs and devices.** (a) A midwife licensed under  
20 this chapter may purchase and administer non-controlled legend  
21 drugs and devices that are used in pregnancy, birth, postpartum



1 care, newborn care, or resuscitation, and that are deemed  
2 integral to providing care to the public by the department.

3 (b) Legend drugs authorized under subsection (a) are  
4 limited for:

- 5 (1) Neonatal use to prophylactic ophthalmic medications,  
6 vitamin K, epinephrine for neonatal resuscitation per  
7 neonatal resuscitation guidelines, and oxygen; and  
8 (2) Maternal use to antibiotics for Group B Streptococcal  
9 antibiotic prophylaxis per guidelines adopted by the  
10 Centers for Disease Control and Prevention[7];  
11 postpartum antihemorrhagics[7]; Rho(D) immune  
12 globulin[7]; epinephrine for anaphylactic reaction to  
13 an administered medication[7]; intravenous fluids[7];  
14 amino amide local anesthetic[7]; nitrous oxide for  
15 pain relief when used in an accredited birth facility  
16 and in accordance with facility policies; non-hormonal  
17 contraceptives; hormonal implants pursuant to any  
18 manufacturer certification requirements, as prescribed  
19 by a licensed health care provider with prescriptive  
20 authority under this chapter, chapter 453, or section  
21 457-8.6; 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 midwife  
20 practicing as a certified professional midwife from carrying out  
21 the prescribed medical orders of a licensed physician or



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

8 SECTION 12. 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,
- 15 at 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
- 21 license[+], notwithstanding the delegation of



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



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



1       (20) Failing to maintain current and valid certification in  
 2            cardiopulmonary resuscitation of the adult and  
 3            infant/child by the American Heart Association, Red  
 4            Cross, or American Safety and Health Institute Basic  
 5            Life Support that includes a hands-on skill component;  
 6            or

7       (21) Failing to maintain current and valid certification in  
 8            a neonatal resuscitation program of the American  
 9            Academy of Pediatrics that includes a hands-on skills  
 10           component."

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

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

1 treatment by spiritual means through prayer alone, or employees  
2 of the institution or service."

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

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

10 SECTION 16. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 17. This Act shall take effect on June 29, 2025.



**Report Title:**

Midwives; Practice of Midwifery; Scope of Practice; Native Hawaiian and Customary 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 by midwives. Establishes peer review and data submission requirements. Affirms that the practice of midwifery does not include Native Hawaiian traditional and customary practices. Clarifies exemptions from licensure and grounds for refusal to grant, renew, reinstate, or restore licenses or for revocation, suspension, denial, or condition of a license. Clarifies medical record availability and retention requirements for the purposes of medical torts. Effective 6/29/2025. (HD2)

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