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# A BILL FOR AN ACT

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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5 repealed when, in 1998, nurse-midwives were placed under the  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 1998 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 1998 through 1999 and reported in  
17 Auditor's Report No. 99-14 determined that it was premature to



1 regulate midwives at that time, that report and the 2017  
2 Auditor's Report No. 17-01 both determined that the nature of  
3 the maternity and prenatal services provided by a midwife may  
4 endanger the health and safety of women and newborns under the  
5 midwife's care and, therefore, the profession of midwifery  
6 should be subject to regulation. The Auditor's Report No. 17-01  
7 in particular recommended the legislature consider establishing  
8 a mandatory licensing framework for all midwives. Recognizing  
9 the potential for harm to public health and safety posed by the  
10 unregulated practice of midwifery, the legislature passed Act  
11 32, Session Laws of Hawaii 2019 (Act 32), and established a  
12 regulatory framework for the practice of midwifery that was  
13 subsequently codified at chapter 457J, Hawaii Revised Statutes  
14 (chapter 457J). Since the passage of Act 32, approximately  
15 forty-one individuals have been licensed under chapter 457J.  
16 These 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) Evaluating the physical and psychosocial health status of clients through a comprehensive health history intake, physical examination, and risk assessment based on observation, inspection, palpation, percussion, and auscultation, of the client or clients and using diagnostic instruments and procedures;
- (2) Formulating a diagnosis;
- (3) Observation, assessment, development, implementation, and evaluation of a plan of care;
- (4) Providing education and counseling related to the health promotion, disease prevention, and health care of midwife clients, with a particular focus on a healthy pregnancy and childbirth, the postpartum period, care of the newborn, and the family planning and gynecological needs of midwife clients;
- (5) Obtaining informed consent, as required by section 671-3, in accordance with the midwife's professional requirements;
- (6) Supervision and teaching of other personnel;
- (7) Teaching of individuals, families, and groups;
- (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;



1       (15) Admitting and discharging clients for inpatient care  
2       at freestanding birthing facilities licensed in the  
3       State;

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

8       (17) Ordering, interpreting, and performing diagnostic,  
9       screening, and therapeutic examinations, tests, and  
10      procedures as authorized pursuant to this chapter and  
11      within the midwife's role, education, and  
12      certification, excluding the performance, supervision,  
13      and interpretation of procedures utilizing ionizing  
14      radiation; and

15      (18) Use of reasonable judgment in carrying out prescribed  
16      medical orders of a physician or osteopathic physician  
17      licensed pursuant to chapter 453 or an advanced  
18      practice registered nurse licensed pursuant to  
19      chapter 457, orders of a physician assistant licensed  
20      and practicing with physician supervision pursuant to  
21      chapter 453 and acting as the agent of the supervising



1           physician, or orders of a midwife in accordance with  
2           this chapter.

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

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

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





1 in the exercise of the director's powers and duties  
2 authorized by law;

3 (3) Assisting in surgery; and

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

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

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

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



1        (d) A midwife shall comply with the requirements of this  
2 chapter; recognize limits of the midwife's training and  
3 experience and have transfer of care protocols for situations  
4 that exceed the scope of authorized practice; consult with or  
5 refer clients to other health care providers, as appropriate;  
6 and participate in data submission and peer review requirements  
7 adopted by the department; provided that peer review conducted  
8 outside of the department shall not be used to replace  
9 investigations against a midwife licensed pursuant to this  
10 chapter by the regulated industries complaints office of the  
11 department.

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



1        (b) If the midwife determines that a condition of the  
2 midwife's client or clients is outside of the midwife's scope of  
3 practice, the midwife shall refer the client or clients to an  
4 appropriate health care provider or health care facility, or  
5 both, equipped to address the client's health care needs;  
6 provided that the midwife shall collaborate with the client or  
7 clients or the client's guardian to document what factors will  
8 necessitate a change in birth settings to an emergency setting  
9 in response to emerging conditions outside the scope of practice  
10 of the midwife.

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

16       (d) If the midwife transfers care of the midwife's client  
17 or clients during the intrapartum or immediate postpartum  
18 period, the midwife shall provide the receiving provider with,  
19 at minimum, the information regarding the midwife's client or  
20 clients listed on the transfer form adopted by the department.



1 The transfer form may include reasons for the transfer, brief  
2 relevant clinical history, and planned mode of transport.

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

11 **§457J-C License renewal continuing education requirement.**

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

16 (b) Each licensee practicing as a certified midwife shall  
17 provide documentation of successful completion of continuing  
18 education that is from accredited colleges or universities or  
19 approved by an organization recognized by the Continuing  
20 Education Policy, or successor document, of the American  
21 Midwifery Certification Board, or successor organization;



1 provided that a minimum of eight hours of continuing education  
2 shall be in pharmacology.

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

11 (d) This section shall not apply to a licensee who has  
12 graduated from a midwifery program approved by the director  
13 within the twelve months before the renewal date of the  
14 licensee's first license renewal period.

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



1 extension of the deadline for compliance with the continuing  
2 education requirements established by this section.

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

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

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

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

20 §457J-E Prescriptive authority. (a) Prescriptive  
21 authority shall be granted solely to midwives practicing as



certified midwives and shall not be granted to midwives practicing as certified professional midwives. Midwives practicing as certified midwives shall only prescribe those drugs appropriate to midwifery care as recognized by the director and in accordance with the current exclusionary formulary defined by the board of nursing for advanced practice registered nurses.

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

(c) A midwife practicing as a certified midwife shall comply with all applicable federal and state laws, regulations, and rules relating to the prescription, dispensing, and administration of drugs. A midwife practicing as a certified midwife shall only prescribe and administer over the counter drugs, legend drugs, and controlled substances pursuant to this chapter and chapter 329. A midwife practicing as a certified midwife may request, receive, and dispense a manufacturer's prepackaged samples of over the counter and non-controlled legend drugs to patients under the midwife's care; provided that



1 the midwife practicing as a certified midwife shall not request,  
2 receive, or sign for samples of controlled substances. A  
3 midwife practicing as a certified midwife may prescribe, order,  
4 and dispense medical devices and equipment that are appropriate  
5 to the midwife's scope of practice and plan and initiate a  
6 therapeutic regimen that includes nutritional, diagnostic, and  
7 supportive services including home health care, hospice, and  
8 physical and occupational health.

9 (d) Prescriptions issued by a midwife practicing as a  
10 certified midwife shall be written in accordance with section  
11 329-38.

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

17 §457J-F Reporting requirements. (a) Every midwife who  
18 does not possess professional liability insurance shall report  
19 in writing any settlement or arbitration award of a claim or  
20 action for damages for death or personal injury caused by  
21 negligence, error, or omission in practice, or the unauthorized





1 rendering of professional services. The report shall be  
2 submitted to the director within thirty days after any written  
3 settlement agreement has been reduced to writing and signed by  
4 all the parties or within thirty days after service of the  
5 arbitration award on the parties.

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

10 §457J-G Peer review requirements; license renewal. (a)  
11 Beginning June 30, 2029, each midwife shall, as a condition of  
12 license renewal:

13 (1) Participate in a Hawaii-based peer review during each  
14 triennium subject to the requirements of section  
15 624-25.5;

16 (2) Attest that the midwife has completed a peer review  
17 for a minimum of five of the midwife's clinical cases  
18 from the prior triennium, and if the intended place of  
19 birth of the clinical case presented was not a birth  
20 facility, the midwife shall complete that clinical  
21 case peer review with at least two midwives licensed



1 in the State who were not involved in the clinical  
2 cases under review; and

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

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

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



1        §457J-H Data submission requirements; license renewal.

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

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

11          (2) Attest that the midwife has submitted data annually  
12          during the prior triennium.

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

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



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

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

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

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

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

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



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

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

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

9           ""Practitioner" means:

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

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



1        (3) A licensed midwife practicing as a certified midwife  
2        registered under section 329-32 to prescribe and  
3        administer controlled substances in the course of  
4        professional practice in this State; and

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

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

13       "Health professional" means any of the following:

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

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



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

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

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

10        "[~~4~~]**\$457J-1**[~~4~~] **Findings and purpose.** The legislature  
11        finds that:

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

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

20        (3) The regulation of the practice of midwifery is  
21        reasonably necessary to protect the health, safety,



1           and welfare of [~~mothers~~] persons choosing midwifery  
2           services and their newborns."

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

5           1. By adding five new definitions to be appropriately  
6 inserted and to read:

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

12           "Birth facility" means a hospital or a freestanding  
13 birthing facility licensed in the State.

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

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

20           "Practice of midwifery" means the independent provision of  
21 care, including initial and ongoing comprehensive assessment,





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

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



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

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

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



1 "Certified professional midwife" means a person who has  
2 graduated from an accredited educational program or pathway in  
3 midwifery, accredited by the Midwifery Education Accreditation  
4 Council, or successor organization, and who holds a current and  
5 valid national certification as a certified professional midwife  
6 from the North American Registry of Midwives, or any successor  
7 organization. A certified professional midwife who received  
8 their certification through a non-accredited educational pathway  
9 shall have obtained a midwifery bridge certificate from the  
10 North American Registry of Midwives, or any successor  
11 organization."

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

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

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



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

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

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

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

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

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

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

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



1 " ~~[+] §457J-6 [+] Exemptions.~~ (a) ~~[A person may practice~~  
2 ~~midwifery without a license to practice midwifery if the]~~ This  
3 chapter shall not apply to a person who is:

4 (1) A certified nurse-midwife holding a valid license  
5 under chapter 457;

6 (2) Licensed and performing work within the scope of  
7 practice or duties of the person's profession that  
8 overlaps with the practice of midwifery; provided that  
9 the person does not use the title "midwife", "licensed  
10 midwife", or the abbreviation "L.M.", or any other  
11 words, letters, abbreviations, or insignia indicating  
12 or implying that the person is a midwife;

13 (3) A student ~~[midwife who is]~~ currently enrolled in a  
14 midwifery educational program and under the direct  
15 supervision of a qualified midwife preceptor; provided  
16 that the practice of midwifery is incidental to the  
17 program of study engaged by the student;

18 ~~[-(4)- A person rendering aid in an emergency where no fee~~  
19 ~~for the service is contemplated, charged, or received,~~  
20 ~~or~~



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

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

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

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

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

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

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



1           ~~(iv) That the person is not authorized to~~  
2                           ~~acquire, carry, administer, or direct others~~  
3                           ~~to administer legend drugs;~~

4           ~~(v) Any judgment, award, disciplinary sanction,~~  
5                           ~~order, or other determination that adjudges~~  
6                           ~~or finds that the person has committed~~  
7                           ~~misconduct or is criminally or civilly~~  
8                           ~~liable for conduct relating to midwifery by~~  
9                           ~~a licensing or regulatory authority,~~  
10                          ~~territory, state, or any other jurisdiction,~~  
11                          ~~and~~

12          ~~(vi) A plan for transporting the client to the~~  
13                           ~~nearest hospital if a problem arises during~~  
14                           ~~the client's care; and~~

15          ~~(D) Maintains a copy of the form required by~~  
16                           ~~subparagraph (C) for at least ten years and makes~~  
17                           ~~the form available for inspection upon request by~~  
18                           ~~the department.~~

19          ~~(b) Nothing in this chapter shall prohibit healing~~  
20          ~~practices by traditional Hawaiian healers engaged in traditional~~  
21          ~~healing practices of prenatal, maternal, and child care as~~



~~recognized by any council of kupuna convened by Papa Ola Lokahi.~~  
~~Nothing in this chapter shall limit, alter, or otherwise~~  
~~adversely impact the practice of traditional Native Hawaiian~~  
~~healing pursuant to the Constitution of the State of Hawaii.~~

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

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

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

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

(b) It shall not be a violation of this chapter for a  
person invited by a patient to be present at a birth occurring  
at a location other than a birth facility; provided that the  
person shall not use the title "midwife", "licensed midwife", or  
engage in the practice of midwifery, unless otherwise licensed  
under this chapter.

(c) Nothing in this chapter shall be construed as  
establishing any criminal penalty."





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

"~~[4]~~§457J-8~~[1]~~ Application for license as a midwife. (a)

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

(1) An application for licensure;

(2) The required fees;

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

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

~~(B) Certified midwife;~~

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

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

~~(B) A midwifery bridge certificate issued by the North American Registry of Midwives for certified professional midwife applicants who either obtained certification before January 1, 2020, through a non-accredited pathway, or who have~~



~~maintained licensure in a state that does not  
require accredited education;]~~

(3) A copy of current certification in adult and pediatric  
cardiopulmonary resuscitation by the American Heart  
Association, Red Cross, or American Safety and Health  
Institute Basic Life Support that includes a hands-on  
skill component; provided that the certification shall  
be current at the time of licensure and the licensee  
shall be responsible for maintaining current  
certification throughout the license period;

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

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



1 (6) Information regarding any conviction of any crime  
2 [which] that has not been annulled or expunged; [and]

3 (7) Any other information the department may require to  
4 investigate the applicant's qualifications for  
5 licensure[-];

6 (8) Any additional requirements adopted by the director;  
7 and

8 (9) Evidence of qualifications for licensure.

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

11 (1) Proof of current, unencumbered certification as a  
12 certified midwife by the American Midwifery  
13 Certification Board or a successor organization;

14 (2) Proof of successful completion of a graduate-level  
15 midwifery program accredited by the Accreditation  
16 Commission for Midwifery Education, or successor  
17 organization, leading to a master's degree or higher  
18 as a midwife; and

19 (3) Proof of successful completion of at least thirty  
20 contact hours, as part of a master's degree program or  
21 higher from a college or university accredited by the



1 Accreditation Commission for Midwifery Education, or  
2 successor organization, of advanced pharmacology  
3 education, including advanced pharmacotherapeutics  
4 that is integrated into the curriculum, within three  
5 years immediately preceding the date of application.  
6 If the advanced pharmacology education in a master's  
7 degree program was completed before the three-year  
8 time period immediately preceding the date of  
9 application, then one of the following shall be  
10 completed within the three-year time period  
11 immediately preceding the date of application for  
12 initial prescriptive authority:

13 (A) At least thirty contact hours of advanced  
14 pharmacology, including advanced  
15 pharmacotherapeutics, from a college or  
16 university accredited by the Accreditation  
17 Commission for Midwifery Education, or successor  
18 organization; or

19 (B) At least thirty contact hours of continuing  
20 education in advanced pharmacology, including  
21 advanced pharmacotherapeutics, approved by the



1 Continuing Education Policy, or successor  
2 document, of the American Midwifery Certification  
3 Board, or successor organization; provided that  
4 the continuing education pharmacology contact  
5 hours shall be related to the applicant's scope  
6 of midwifery practice.

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

9 (1) Proof of current and valid certification as a  
10 certified professional midwife by the North American  
11 Registry of Midwives or a successor organization; and  
12 (2) Proof of successful completion of a formal midwifery  
13 education and training program as follows:

14 (A) A midwifery educational program or pathway  
15 accredited by the Midwifery Education  
16 Accreditation Council, or successor organization,  
17 or another nationally recognized accrediting  
18 agency approved by the United States Department  
19 of Education; or



1           (B) A midwifery bridge certificate issued by the  
2           North American Registry of Midwives, or successor  
3           organization."

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

6           "~~[§] 457J-10 [§]~~ **Renewals.** (a) Every license issued under  
7 this chapter shall be renewed triennially on or before June 30,  
8 with the first renewal deadline occurring on June 30, 2023.  
9 Failure to renew a license shall result in a forfeiture of the  
10 license. Licenses ~~[which]~~ that have been so forfeited may be  
11 restored within one year of the expiration date upon payment of  
12 renewal and penalty fees. Failure to restore a forfeited  
13 license within one year of the date of its expiration shall  
14 result in the automatic termination of the license. Relicensure  
15 after termination shall require the person to apply as a new  
16 applicant and again satisfy all licensing requirements in place  
17 at the time of the new application.

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

19           (1) Pay all required nonrefundable fees;

20           (2) Submit a completed renewal application;



- 1       (3) Provide documentation of successful completion during  
2       the prior triennium of appropriate continuing  
3       education as required pursuant to section 457J-C;
- 4       (4) Provide a copy of current certification in adult and  
5       pediatric cardiopulmonary resuscitation by the  
6       American Heart Association, Red Cross, or American  
7       Safety and Health Institute Basic Life Support that  
8       includes a hands-on skill component; provided that the  
9       certification shall be current at the time of renewal  
10      and the licensee shall be responsible for maintaining  
11      current certification throughout the license period;
- 12      (5) Provide a copy of current certification in a neonatal  
13      resuscitation program of the American Academy of  
14      Pediatrics that includes a hands-on skills component;  
15      provided that the certification shall be current at  
16      the time of renewal and the licensee shall be  
17      responsible for maintaining current certification  
18      throughout the license period;
- 19      (6) By June 30, 2029, and every triennium thereafter,  
20      complete the peer review requirements under section  
21      457J-G; and



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

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

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

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

- (1) Neonatal use to prophylactic ophthalmic medications,  
vitamin K, epinephrine for neonatal resuscitation per  
neonatal resuscitation guidelines, and oxygen; and
- (2) Maternal use to antibiotics for Group B Streptococcal  
antibiotic prophylaxis per guidelines adopted by the  
Centers for Disease Control and Prevention[7];  
postpartum antihemorrhagics[7]; Rho(D) immune  
globulin[7]; epinephrine for anaphylactic reaction to  
an administered medication[7]; intravenous fluids[7];





1            amino amide local anesthetic[-]; nitrous oxide for  
2            pain relief when used in a birth facility and in  
3            accordance with facility policies; non-hormonal  
4            contraceptives; hormonal implants pursuant to any  
5            manufacturer certification requirements, as prescribed  
6            by a licensed health care provider with prescriptive  
7            authority under this chapter, chapter 453, or section  
8            457-8.6; and oxygen.

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

12            (c) Legend devices authorized under subsection (a) are  
13   limited to devices for:

- 14            (1) Injection of medications;  
15            (2) The administration of intravenous fluids;  
16            (3) Adult and infant resuscitation;  
17            (4) Rupturing amniotic membranes;  
18            (5) Repairing vaginal tears; [~~and~~]  
19            (6) Postpartum hemorrhage[-]; and



1       (7) Mechanical, non-pharmacologic cervical dilation when  
2       used at or after thirty-nine weeks gestation in  
3       pregnancy.

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

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

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

20       " ~~[§457J-12]~~ Grounds for refusal to grant, renew,  
21 reinstate, or restore licenses and for revocation, suspension,



1 denial, or condition of licenses. In addition to any other acts  
2 or conditions provided by law, the director may refuse to grant,  
3 renew, reinstate, or restore, or may deny, revoke, suspend, or  
4 condition in any manner, any license for any one or more of the  
5 following acts or conditions on the part of the licensee or the  
6 applicant thereof:

7 (1) Failing to meet or maintain the conditions and  
8 requirements necessary to qualify for the granting of  
9 a license;

10 (2) Failing to notify the department in writing that the  
11 licensee's certification as a certified professional  
12 midwife or as a certified midwife is no longer current  
13 or unencumbered within thirty days of the change in  
14 status;

15 (3) Engaging in false, fraudulent, or deceptive  
16 advertising, or making untruthful or improbable  
17 statements;

18 (4) Being addicted to, dependent on, or a habitual user of  
19 ~~[a narcotic, barbiturate, amphetamine, hallucinogen,~~  
20 ~~opium, or cocaine, or other drugs or derivatives of a~~



~~similar nature;]~~ illicit substances, or abusing  
controlled substances, or both;

(5) Practicing as a [~~licensed~~] midwife while impaired by,  
at minimum, alcohol, drugs, non-accommodated physical  
disability, or mental instability;

(6) Procuring a license through fraud, misrepresentation,  
or deceit;

(7) Aiding and abetting an unlicensed person to directly  
or indirectly perform activities requiring a  
license[+], notwithstanding the delegation of  
administrative and technical clinical tasks of  
midwifery practice;

(8) Engaging in professional misconduct as defined by the  
program in accordance with its own rules,  
incompetence, gross negligence, or manifest incapacity  
in the practice of midwifery;

(9) Failing to maintain a record or history of competency,  
trustworthiness, fair dealing, and financial  
integrity;

(10) Engaging in conduct or practice contrary to recognized  
standards of ethics for the practice of midwifery;



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



(17) Employing, utilizing, or attempting to employ or  
utilize at any time any person not licensed under this  
chapter where licensure is required;

(18) Violating this chapter, any other applicable licensing  
laws, or any rule or order of the director; [øø]

(19) Using or removing without authorization controlled  
substances or drugs, including diverting or attempting  
to divert drugs or controlled substances for  
unauthorized use[-];

(20) Failing to maintain current and valid certification in  
adult and pediatric cardiopulmonary resuscitation of  
by the American Heart Association, Red Cross, or  
American Safety and Health Institute Basic Life  
Support that includes a hands-on skill component; or

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

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



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

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

13       SECTION 15. In codifying the new sections added by  
14 section 2 of this Act, the revisor of statutes shall substitute  
15 appropriate section numbers for the letters used in designating  
16 the new sections in this Act.

17       SECTION 16. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19       SECTION 17. This Act shall take effect upon its approval.



**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. (SD3)

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