

Subject Licensure of certified midwives

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Date March 27, 2025

Overview

This bill requires an individual to be licensed by the Board of Nursing as a certified midwife in order to engage in certified midwifery practice and establishes requirements for certified midwife licensure.

Summary

Section	Description
1	General. Amends § 147D.03, subd. 1. Provides a certified midwife licensed under chapter 148G is not subject to regulation under chapter 147D (governing traditional midwives).
2	Expenses. Amends § 148.241. Requires the expenses of administering the Minnesota Certified Midwife Practice Act to be paid from appropriations made to the Board of Nursing, and adds administration of this act to the allowable uses of money appropriated to the Board of Nursing.
3	Title. Adds § 148G.01. Provides chapter 148G must be referred to as the Minnesota Certified Midwife Practice Act.
4	Scope. Adds § 148G.02. Provides chapter 148G applies to applicants for licensure as a certified midwife, individuals licensed as a certified midwife, and all persons who provide certified midwifery services to patients who reside in Minnesota unless an exemption applies.

Section	Description
5	<p>Definitions.</p> <p>Adds § 148G.03. Defines the following terms for this chapter: board, certification, certified midwife, certified midwifery practice, collaborating, consulting, encumbered, licensure period, licensed practitioner, midwifery education program, patient, prescribing, prescription, referral, supervision.</p>
6	<p>Certified midwife licensing.</p> <p>Adds § 148G.04. Requires a person practicing as a certified midwife or serving as faculty for a midwifery distance learning program to be licensed under this chapter, specifies eligibility for licensure, and requires certain applicants for licensure to complete a restorative plan.</p> <p>Subd. 1. Licensure. Prohibits a person from practicing as a certified midwife or serving as faculty for clinical instruction in a midwifery distance learning program unless licensed under this chapter. Requires applicants for licensure to apply to the board and submit the required fee, and specifies eligibility requirements for licensure.</p> <p>Subd. 2. Clinical practice component. If more than five years have passed since an applicant practiced in a certified midwife role, requires the applicant to complete a restorative plan that includes a clinical component with at least 500 hours of practice supervised by a licensed practitioner.</p>
7	<p>Licensure renewal; relicensure.</p> <p>Adds § 148G.05. Establishes requirements for license renewal and for relicensure for persons with a lapsed license.</p> <p>Subd. 1. Renewal; current applicants. Requires a certified midwife to apply for license renewal before the certified midwife's licensure period ends, and requires an applicant for license renewal to submit with the renewal application, evidence of current certification by the American Midwifery Certification Board and the required fee.</p> <p>Subd. 2. Clinical practice component. If more than five years have passed since an applicant practiced as a certified midwife, requires the applicant to complete a reorientation plan that includes a clinical component with at least 500 hours of practice supervised by a licensed practitioner.</p> <p>Subd. 3. Relicensure; lapsed applicants. If a person whose licensure has lapsed wishes to resume practice, requires the person to apply for relicensure, comply with requirements established by the board, and pay a relicensure fee. Requires payment of a penalty fee by a person who practiced certified midwifery without a license.</p>

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8	<p>Failure or refusal to provide information.</p> <p>Adds § 148G.06. Requires a certified midwife to notify the board upon certification renewal, and prohibits a licensee from practicing as a certified midwife if the licensee fails to provide notification. Allows the board to deny an applicant a license if the applicant fails to provide the information needed to determine the applicant's qualifications, fails to demonstrate qualifications, or fails to satisfy the requirements for licensure.</p>
9	<p>Name change and change of address.</p> <p>Adds § 148G.07. Requires a certified midwife to maintain a current name and address with the board and to notify the board within 30 days of any change in name or address.</p>
10	<p>Identification of certified midwives.</p> <p>Adds § 148G.08. Requires a person to be licensed as a certified midwife in order to use the title certified midwife. Requires certified midwives to use the designation CM for professional identification and in documenting services provided.</p>
11	<p>Prescribing drugs and therapeutic devices.</p> <p>Adds § 148G.09. Authorizes certified midwives to diagnose, prescribe, and institute therapy or referrals; prescribe, administer, and dispense over-the-counter and legend drugs and controlled substances; and plan and initiate therapeutic regimens, including ordering and prescribing durable medical equipment and devices, nutrition, diagnostic services, and supportive services. Requires certified midwives to comply with Drug Enforcement Administration (DEA) requirements for controlled substances and to file the certified midwife's DEA registrations and numbers with the board if applicable. Requires the board to maintain records of certified midwives with a DEA registration and number.</p>
12	<p>Fees.</p> <p>Adds § 148G.10. Provides the fees established in section 148G.11 are nonrefundable and must be deposited in the state government special revenue fund.</p>
13	<p>Fee amounts.</p> <p>Adds § 148G.11. Specifies fee amounts for licensure, license renewal, the penalty for practicing without a current certification or recertification or without a current certification or recertification on file, relicensure, and the penalty for practicing without current licensure. Authorizes collection of a service fee for dishonored checks.</p>

Section	Description
14	<p data-bbox="318 264 857 289">Approved midwifery education program.</p> <p data-bbox="318 310 1419 415">Adds § 148G.12. Establishes procedures and standards for initial and continuing approval, loss of approval, and reinstatement of approval by the board for midwifery education programs.</p> <p data-bbox="367 457 1419 642">Subd. 1. Initial approval. Requires a university or college wishing to operate a certified midwifery education program to provide a program leading to eligibility for certification in midwifery, achieve accreditation by the American Commission for Midwifery Education, and meet other standards established in law and by the board.</p> <p data-bbox="367 684 1419 869">Subd. 2. Continuing approval. Requires the board to annually survey all midwifery education programs in the state for current accreditation with the American Commission for Midwifery Education, and requires the board to approve the program if it continues to meet the standards for current accreditation.</p> <p data-bbox="367 911 1419 1016">Subd. 3. Loss of approval. Requires the board to remove a program from its list of accredited programs if the program’s accreditation is revoked by the accrediting body.</p> <p data-bbox="367 1058 1419 1163">Subd. 4. Reinstatement of approval. Requires the board to reinstate approval of a program when the program submits evidence that the program meets the accrediting body’s standards.</p>
15	<p data-bbox="318 1209 730 1234">Grounds for disciplinary action.</p> <p data-bbox="318 1255 1419 1671">Adds § 148G.13. Lists grounds on which the board may deny, revoke, suspend, limit, or condition an individual’s license to practice certified midwifery, or otherwise discipline a licensee or applicant. Prohibits the board from granting or renewing a license to practice certified midwifery if the individual has been convicted of certain felony-level criminal sexual offenses, automatically revokes an individual’s license in those circumstances, and authorizes the board to establish criteria to allow individuals convicted of these offenses to become licensed in certain circumstances. Allows copies of judgments and administrative proceedings to be admitted into evidence, and permits the board to require a certified midwife to undergo a medical or physical examination in certain circumstances and to obtain medical data and health records relating to the certified midwife or applicant.</p>
16	<p data-bbox="318 1713 1305 1785">Forms of disciplinary action; automatic suspension; temporary suspension; reissuance.</p> <p data-bbox="318 1806 1419 1873">Adds § 148G.14. Lists disciplinary actions the board may take. Specifies when a license to practice certified midwifery is automatically suspended or temporarily</p>

Section	Description
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suspended, and allows the board to reinstate and reissue a license in certain circumstances.

Subd. 1. Forms of disciplinary action. If the board finds grounds for disciplinary action exist, allows the board to deny the license application or application for license renewal; revoke, suspend, limit, or condition the license; impose a civil penalty; order the provision of free services; censure or reprimand the certified midwife; or take any other action justified by the case.

Subd. 2. Automatic suspension. Provides a license to practice certified midwifery is automatically suspended if a guardian is appointed for the certified midwife, the certified midwife is civilly committed, or the certified midwife is determined mentally incompetent, mentally ill, chemically dependent, or dangerous to the public. Describes how the suspension may be terminated.

Subd. 3. Temporary suspensions of license. Allows the board to temporarily suspend a certified midwife's license without a hearing in certain circumstances, specifies how long this suspension remains in effect, and requires a hearing within 30 days after issuance of a suspension order.

Subd. 4. Reissuance. Allows the board to reinstate and reissue a certified midwife's license if the board determines such action is warranted. A person whose license is reinstated must pay certain fees.

17 **Reporting obligations.**

Adds § 148G.15. Permits or requires certain individuals and organizations to report to the board, conduct that is a ground for disciplinary action under this chapter and information on malpractice awards or settlements.

Subd. 1. Permission to report. Allows any person who knows of conduct that is a ground for discipline under this chapter to report the conduct to the board.

Subd. 2. Institutions. Requires certain individuals associated with a hospital, clinic, or other health care organization in the state to report any action taken by the organization that affects a certified midwife's privilege to practice with that organization, or if the certified midwife resigns before disciplinary proceedings are complete.

Subd. 3. Licensed professionals. Requires licensed health professionals to report to the board conduct by a certified midwife that constitutes a ground for discipline.

Subd. 4. Insurers. Requires insurers that provide professional liability insurance to certified midwives to report to the board, on a quarterly basis, information on

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	<p>certified midwives against whom malpractice awards were made or who were a party to a settlement.</p> <p>Subd. 5. Courts. Requires courts to report to the board a judgment or determination of the court that a certified midwife is mentally ill, mentally incompetent, chemically dependent, dangerous to the public, guilty of a felony or gross misdemeanor, or guilty of violating certain other laws; has had a guardian appointed; or has been civilly committed.</p> <p>Subd. 6. Deadlines; forms. Specifies required reports must be submitted within 30 days after the reportable event or transaction, allows the board to provide forms to be used to submit reports, and requires the board to review all reports.</p> <p>Subd. 7. Failure to report. Provides any person who fails to report if required to do so is subject to civil penalties.</p>
18	<p>Immunity.</p> <p>Adds § 148G.16. Provides immunity from civil liability and criminal prosecution for:</p> <ul style="list-style-type: none">▪ any person who submits a good faith report to the board under section 148G.15 or reports alleged violations of this chapter in good faith. Classifies these reports as investigative data;▪ board members, employees, and individuals who investigate violations or prepare charges on behalf of the board for actions related to their duties under this chapter; and▪ board members, employees, and individuals who keep records and make reports on adverse health care events for actions related to their duties under this chapter.
19	<p>Certified midwife cooperation.</p> <p>Adds § 148G.17. Requires certified midwives being investigated by the board to cooperate fully with the investigation and specifies what cooperation includes. Requires patient identifying data to be deleted from patient health records before the board accesses the records, unless the patient consents to the board accessing the patient's records.</p>
20	<p>Disciplinary record on judicial review.</p> <p>Adds § 148G.18. When a court reviews disciplinary action taken by the board, requires the reviewing court to seal the administrative record, other than the board's final decision.</p>

Section	Description
21	<p>Exemptions.</p> <p>Adds § 148G.19. Provides this chapter does not prohibit providing certified midwifery assistance in an emergency, the practice of certified midwifery by a certified midwife of another state employed by the federal government or a federal agency, the practice of any other state-licensed profession by a person licensed to practice that profession, the practice of traditional midwifery, certified midwifery practice by a student practicing under supervision, or certified midwifery practice by a certified midwife licensed in another jurisdiction who is in Minnesota temporarily for one of the listed purposes.</p>
22	<p>Violations; penalty.</p> <p>Adds § 148G.20. Lists unlawful acts related to certified midwifery practice and provides any person who commits one of these acts is guilty of a gross misdemeanor. In addition to the gross misdemeanor penalty, provides a person who practices without a current license and certification, or without a current certification on file with the board, is subject to penalties imposed by the board.</p>
23	<p>Unauthorized practice of midwifery.</p> <p>Adds § 148G.21. Provides the practice of certified midwifery by a person not licensed to practice certified midwifery is a public nuisance, and allows a district court in a county where such practice occurred to enjoin these acts and practice.</p>
24	<p>Practitioner.</p> <p>Amends § 151.01, subd. 23. Adds licensed certified midwives to the definition of practitioner in the Pharmacy Practice Act, to conform with the authority of certified midwives to prescribe legend drugs.</p>
25	<p>Prescribing, dispensing, administering controlled substances in Schedules II through V.</p> <p>Amends § 152.12, subd. 1. Adds licensed certified midwives to the list of practitioners who may prescribe, administer, and dispense controlled substances in Schedules II through V.</p>
26	<p>Certified midwifery practice services.</p> <p>Adds subd. 28c to § 256B.0625. Provides that medical assistance (MA) covers services of a licensed certified midwife if the service provided on an inpatient basis is not included in the facility payment, the service is otherwise covered under MA as a physician service, and the service is within the scope of practice for the certified midwife.</p>
27	<p>Effective date.</p> <p>Provides this act is effective July 1, 2026.</p>



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