

1 AN ACT concerning midwives.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Certified Professional Midwife Licensure Act.

6 Section 5. Findings and purpose. This Act is intended to  
7 establish a licensing procedure for certified professional  
8 midwives in Illinois. The General Assembly finds and declares  
9 the following:

10 (1) There is broad and substantial support among the  
11 citizens of the State of Illinois for allowing access to  
12 certified professional midwifery services for those parents  
13 who choose the option of out-of-hospital birth.

14 (2) Certified professional midwifery services should be  
15 available to everyone.

16 (3) The intent of this Act is to encourage and enable  
17 the practice of certified professional midwives for the  
18 benefit of mothers, babies, and families in the State of  
19 Illinois.

20 (4) Birth is a normal and healthy event in the life of a  
21 woman and her family and has physical, emotional, spiritual,  
22 and social dimensions.

23 (5) The Midwives Model of Care is fundamentally  
24 different than the Medical Maternity Model of Care.

25 (6) Certified professional midwives apply the Midwives  
26 Model of Care to provide sound care for birthing women in  
27 out-of-hospital settings. The application of this  
28 woman-centered model of care has been proven to reduce the  
29 incidence of birth injury, trauma, and cesarean section.

30 Section 10. Definitions. As used in this Act:

1 "Approved program of midwifery education" means a  
2 direct-entry midwifery educational program that is accredited  
3 by the Midwifery Education Accreditation Council or its  
4 successor.

5 "Certified professional midwife" or "CPM" means a person  
6 who has met the standards for certification set by the North  
7 American Registry of Midwives or its successor and has been  
8 awarded this credential.

9 "Consultation" means the process whereby a certified  
10 professional midwife seeks the advice or opinion of a  
11 physician or another member of the health care team.

12 "Council" means the Certified Professional Midwifery  
13 Council.

14 "Department" means the Department of Professional  
15 Regulation.

16 "Director" means the Director of Professional Regulation.

17 "Informed consent" means a document that includes, but is  
18 not limited to, disclosure of the midwife's education, skill  
19 level, liability insurance coverage, and written plan for  
20 medical emergencies.

21 "Licensed midwife" means a person who is licensed under  
22 this Act.

23 "Midwifery" means the provision of care, support, and  
24 education to women and their families during the childbearing  
25 cycle, including antepartum, intrapartum, and postpartum care  
26 for women, newborn assessment, care of newborns, referral for  
27 pediatric care, well-woman gynecology, and family planning.  
28 When needed, this care occurs in consultation with and  
29 referral to members of the health care system.

30 "Midwives Model of Care" means a philosophy of care that  
31 is based on the fact that pregnancy and birth are normal life  
32 processes. The Midwives Model of Care includes monitoring the  
33 physical, psychological, and social well-being of the mother  
34 throughout the childbearing cycle; providing the mother with

1 individualized education, counseling, and prenatal care;  
2 continuous hands-on assistance during labor and delivery and  
3 postpartum support; minimizing technological interventions;  
4 and identifying and referring women who require obstetrical  
5 attention.

6 "North American Registry of Midwives" or "NARM" means the  
7 international agency, or its successor, that has established  
8 and has continued to administer certification for the  
9 credential of certified professional midwife.

10 "Peer review" means an educational review process in  
11 accordance with the current NARM peer review standards that  
12 includes a certificate of participation document.

13 "Referral" means the process whereby a certified  
14 professional midwife directs the client to a physician or  
15 other health care professional for management of a particular  
16 problem or aspect of the client's care.

17 Section 15. License required.

18 (a) Beginning July 1, 2004, no person shall practice  
19 midwifery in this State without a license under this Act,  
20 except as provided in Section 20.

21 (b) No person shall use in connection with the person's  
22 name any letters, words, or insignia indicating or implying  
23 that the person is a licensed midwife unless the person is  
24 licensed in accordance with this Act. A person so licensed  
25 may use the abbreviation "L.M." in connection with the  
26 person's name.

27 Section 20. Exemptions. Nothing in this Act shall be  
28 construed to prohibit or to require registration under this  
29 Act, with regard to any of the following:

30 (1) The gratuitous rendering of services.

31 (2) The rendering of services by a person if such  
32 attendance is in accordance with the person's religious faith

1 and is rendered to persons with a similar religious faith.

2 (3) Certified nurse midwives authorized under the  
3 Advanced Practice Nursing Board to practice in Illinois.

4 (4) Licensed physicians or other licensed health care  
5 providers authorized to provide maternity care.

6 (5) Midwifery that is included in the educational  
7 programs of student midwives enrolled in approved programs of  
8 midwifery education.

9 Section 25. Certified Professional Midwifery Council.

10 There shall be established within the Department of  
11 Professional Regulation a Certified Professional Midwifery  
12 Council composed of 7 members appointed by the Director. The  
13 appointed members of the Council shall include 5 certified  
14 professional midwives and 2 consumers who shall be previous  
15 recipients of the midwifery services of a certified  
16 professional midwife. Of the members first appointed to the  
17 Council, 3 members shall be appointed for a term of 3 years,  
18 2 members shall be appointed for a term of 2 years, and 2  
19 members shall be appointed for a term of one year.  
20 Thereafter, all members shall serve 3-year terms. In making  
21 appointments to the Council, the Director shall consider the  
22 recommendations of individuals and organizations directly  
23 involved with midwifery in this State. A vacancy in an  
24 unexpired term shall be filled in the same manner as the  
25 original appointment. The Director may remove a Council  
26 member for misconduct, incapacity, or neglect of duty, but  
27 only after notice and a public hearing, unless the notice and  
28 hearing are waived by the member in writing. The Council  
29 shall elect from its membership a chairperson. The Council  
30 may meet as needed, but shall meet at least twice a year.

31 Section 30. Powers of the Council. The Certified  
32 Professional Midwifery Council is authorized to:

1           (1) Recommend and approve the adoption and revision of  
2 any rules that may be necessary to carry out the provisions  
3 of this Act that are designed to protect the health, safety,  
4 and welfare of the public. The rules shall include the scope  
5 of practice and services provided regarding the use of  
6 equipment, procedures, and medications.

7           (2) Conduct hearings and disciplinary conferences on  
8 disciplinary charges of those licensed as provided in Section  
9 70 and those in violation of Section 15.

10          (3) Report to the Department, upon completion of a  
11 hearing, the disciplinary actions recommended to be taken  
12 against a person violating this Act.

13          (4) Approve, deny, or withdraw approval of required  
14 education and continuing educational programs.

15          Section 35. Council members; immunity from suit. The  
16 members of the Council are immune from suit in any action  
17 based upon disciplinary proceedings or other acts performed  
18 as members of the Council, except those involving willful or  
19 wanton misconduct.

20          Section 40. Council members; compensation. Members of the  
21 Council shall serve without compensation, but shall be  
22 reimbursed for actual expenses necessarily incurred in the  
23 discharge of their duties.

24          Section 45. Powers and duties of the Department.

25          (a) The Department shall exercise the powers and duties  
26 necessary to effectuate the purposes of this Act. None of the  
27 functions, powers, or duties of the Department with respect  
28 to licensure shall be exercised by the Department except upon  
29 review and approval by the Council.

30          (b) The Department shall have the authority and  
31 responsibility to:

- 1 (1) license individuals who qualify for licensure;
- 2 (2) issue quarterly reports to the Council on the
- 3 status of all formal complaints filed by the Department
- 4 and on significant issues as determined by the Council;
- 5 and
- 6 (3) promulgate rules for licensure of candidates
- 7 authorized to practice under this Act.

8 Section 50. Eligibility.

9 (a) A person is eligible to be licensed as a midwife if  
10 that person meets the following qualifications:

- 11 (1) has no less than a high school diploma or its
- 12 equivalent;
- 13 (2) has completed an approved program of midwifery
- 14 education;
- 15 (3) holds the credential of certified professional
- 16 midwife;
- 17 (4) is in good standing with the North American
- 18 Registry of Midwives;
- 19 (5) is at least 21 years of age;
- 20 (6) participates in peer review at least twice per
- 21 year; and
- 22 (7) provides the Department with an annually
- 23 updated informed consent document.

24 (b) Prior to July 1, 2003, an individual who meets all  
25 eligibility requirements in subsection (a) of this Section  
26 except item (2) shall be considered eligible to be licensed  
27 as a midwife.

28 Section 55. Scope of practice; informed consent.

29 (a) A licensed midwife may perform any of the midwifery  
30 services and skills established by the North American  
31 Registry of Midwives, including, but not limited to,  
32 antepartum, intrapartum, and postpartum care of women;

1 newborn assessment and care of newborns; and well-woman  
2 gynecology and family planning.

3 (b) A copy of the informed consent document, signed and  
4 dated by the client, must be kept in each client's chart.

5 Section 60. Application for license. A person shall apply  
6 for licensure as a midwife to the Director on a form  
7 furnished by the Department. The application shall be  
8 accompanied by payment of the specified fee and evidence that  
9 the person meets the eligibility requirements of this Act.

10 Section 65. Renewals. A midwife license must be renewed  
11 every 3 years. An applicant for renewal shall submit to the  
12 Department (i) a renewal application on the prescribed form  
13 furnished by the Department and (ii) a renewal fee as  
14 prescribed by the Department.

15 Section 70. Fees. The Department shall have the authority  
16 to (i) charge each candidate for licensure a fee, which must  
17 be submitted with his or her application and (ii) charge  
18 each licensed midwife a fee for renewal of his or her  
19 license.

20 Section 75. Disciplinary action.

21 (a) A licensed midwife or applicant for licensure,  
22 renewal, or reinstatement shall not engage in unprofessional  
23 conduct, which includes:

- 24 (1) fraudulently procuring or using a license;
- 25 (2) willfully making or filing false reports or  
26 records, willfully impeding or obstructing the filing of  
27 reports or records, or willfully failing to file required  
28 reports or records in the practice of midwifery;
- 29 (3) using dishonest or misleading advertising;
- 30 (4) failing to comply with any statutes related to

1 the practice of midwifery;

2 (5) conviction of a crime related to the practice  
3 of midwifery as described in this Act;

4 (6) failing to provide, in a timely manner, copies  
5 of all records of the care provided to a person after a  
6 written request is received from the person who received  
7 care; and

8 (7) engaging in gross or repeated malpractice.

9 (b) After a hearing, and upon making a finding of  
10 unprofessional conduct, the Certified Professional Midwifery  
11 Council shall (i) reprimand the licensed midwife or  
12 applicant, (ii) revoke the license or refuse to issue or  
13 renew a license, or (iii) seek an injunction against the  
14 continuation of the conduct.

15 Section 80. Penalties. A person who knowingly violates  
16 any of the provisions of this Act is guilty of a Class A  
17 misdemeanor.

18 Section 85. Reimbursement. A midwife licensed to practice  
19 midwifery is eligible for compensation as a provider under  
20 the Illinois Medicaid program and any other third party  
21 reimbursement plan, including Medicare, subject to the laws  
22 of this State and applicable federal law.

23 Section 90. Advertising. A person licensed under this Act  
24 may advertise the availability of professional services in  
25 the public media or on the premises where such professional  
26 services are rendered, provided that the advertising is  
27 truthful and not misleading.

28 Section 95. Parents' rights regarding the birth of the  
29 baby. Parents have a right to give birth where and with whom  
30 they choose. This Act does not prohibit the attendance at

1 birth of the mother's choice of family, friends, and other  
2 persons.

3 Section 100. Denial of liability. Physician liability for  
4 referral or transport of a client by a licensed midwife shall  
5 not begin until the client is in the physician's physical  
6 care.

7 Section 105. Promulgation of rules by the Department. The  
8 Department shall promulgate rules for the licensure of  
9 certified professional midwives under this Act by January 1,  
10 2003.

11 Section 900. The Regulatory Sunset Act is amended by  
12 adding Section 4.23 as follows:

13 (5 ILCS 80/4.23 new)

14 Sec. 4.23. Act repealed on January 1, 2013. The  
15 following Act is repealed on January 1, 2013:

16 The Certified Professional Midwife Licensure Act.

17 Section 905. The Medical Practice Act of 1987 is  
18 amended by changing Section 4 as follows:

19 (225 ILCS 60/4) (from Ch. 111, par. 4400-4)

20 (Section scheduled to be repealed on January 1, 2007)

21 Sec. 4. Exemptions.

22 (a) This Act does not apply to:

23 (1) persons lawfully carrying on their particular  
24 profession or business under any valid existing  
25 regulatory Act of this State;

26 (2) persons rendering gratuitous services in cases  
27 of emergency;

28 (3) persons treating human ailments by prayer or

1 spiritual means as an exercise or enjoyment of religious  
2 freedom.

3 (b) Section 22 of this Act does not apply to persons who  
4 carry out or assist in the implementation of a court order  
5 effecting the provisions of Section 119-5 of the Code of  
6 Criminal Procedure of 1963.

7 (c) Nothing in this Act shall be construed as  
8 prohibiting the practice of midwifery by persons licensed  
9 under the Certified Professional Midwife Licensure Act.

10 (Source: P.A. 89-8, eff. 3-21-95.)

11 Section 910. The Nursing and Advanced Practice Nursing  
12 Act is amended by changing Section 5-15 as follows:

13 (225 ILCS 65/5-15)

14 (Section scheduled to be repealed on January 1, 2008)

15 Sec. 5-15. Policy; application of Act. For the protection  
16 of life and the promotion of health, and the prevention of  
17 illness and communicable diseases, any person practicing or  
18 offering to practice professional and practical nursing in  
19 Illinois shall submit evidence that he or she is qualified to  
20 practice, and shall be licensed as provided under this Act.  
21 No person shall practice or offer to practice professional or  
22 practical nursing in Illinois or use any title, sign, card or  
23 device to indicate that such a person is practicing  
24 professional or practical nursing unless such person has been  
25 licensed under the provisions of this Act.

26 This Act does not prohibit the following:

27 (a) The practice of nursing in Federal employment  
28 in the discharge of the employee's duties by a person who  
29 is employed by the United States government or any  
30 bureau, division or agency thereof and is a legally  
31 qualified and licensed nurse of another state or  
32 territory and not in conflict with Sections 10-5, 10-30,

1 and 10-45 of this Act.

2 (b) Nursing that is included in their program of  
3 study by students enrolled in programs of nursing or in  
4 current nurse practice update courses approved by the  
5 Department.

6 (c) The furnishing of nursing assistance in an  
7 emergency.

8 (d) The practice of nursing by a nurse who holds an  
9 active license in another state when providing services  
10 to patients in Illinois during a bonafide emergency or in  
11 immediate preparation for or during interstate transit.

12 (e) The incidental care of the sick by members of  
13 the family, domestic servants or housekeepers, or care of  
14 the sick where treatment is by prayer or spiritual means.

15 (f) Persons from being employed as nursing aides,  
16 attendants, orderlies, and other auxiliary workers in  
17 private homes, long term care facilities, nurseries,  
18 hospitals or other institutions.

19 (g) The practice of practical nursing by one who  
20 has applied in writing to the Department in form and  
21 substance satisfactory to the Department, for a license  
22 as a licensed practical nurse and who has complied with  
23 all the provisions under Section 10-30, except the  
24 passing of an examination to be eligible to receive such  
25 license, until: the decision of the Department that the  
26 applicant has failed to pass the next available  
27 examination authorized by the Department or has failed,  
28 without an approved excuse, to take the next available  
29 examination authorized by the Department or until the  
30 withdrawal of the application, but not to exceed 3  
31 months. No applicant for licensure practicing under the  
32 provisions of this paragraph shall practice practical  
33 nursing except under the direct supervision of a  
34 registered professional nurse licensed under this Act or

1 a licensed physician, dentist or podiatrist. In no  
2 instance shall any such applicant practice or be employed  
3 in any supervisory capacity.

4 (h) The practice of practical nursing by one who is  
5 a licensed practical nurse under the laws of another U.S.  
6 jurisdiction and has applied in writing to the  
7 Department, in form and substance satisfactory to the  
8 Department, for a license as a licensed practical nurse  
9 and who is qualified to receive such license under  
10 Section 10-30, until (1) the expiration of 6 months after  
11 the filing of such written application, (2) the  
12 withdrawal of such application, or (3) the denial of such  
13 application by the Department.

14 (i) The practice of professional nursing by one who  
15 has applied in writing to the Department in form and  
16 substance satisfactory to the Department for a license as  
17 a registered professional nurse and has complied with all  
18 the provisions under Section 10-30 except the passing of  
19 an examination to be eligible to receive such license,  
20 until the decision of the Department that the applicant  
21 has failed to pass the next available examination  
22 authorized by the Department or has failed, without an  
23 approved excuse, to take the next available examination  
24 authorized by the Department or until the withdrawal of  
25 the application, but not to exceed 3 months. No  
26 applicant for licensure practicing under the provisions  
27 of this paragraph shall practice professional nursing  
28 except under the direct supervision of a registered  
29 professional nurse licensed under this Act. In no  
30 instance shall any such applicant practice or be employed  
31 in any supervisory capacity.

32 (j) The practice of professional nursing by one who  
33 is a registered professional nurse under the laws of  
34 another state, territory of the United States or country

1 and has applied in writing to the Department, in form and  
2 substance satisfactory to the Department, for a license  
3 as a registered professional nurse and who is qualified  
4 to receive such license under Section 10-30, until (1)  
5 the expiration of 6 months after the filing of such  
6 written application, (2) the withdrawal of such  
7 application, or (3) the denial of such application by the  
8 Department.

9 (k) The practice of professional nursing that is  
10 included in a program of study by one who is a registered  
11 professional nurse under the laws of another state or  
12 territory of the United States or foreign country,  
13 territory or province and who is enrolled in a graduate  
14 nursing education program or a program for the completion  
15 of a baccalaureate nursing degree in this State, which  
16 includes clinical supervision by faculty as determined by  
17 the educational institution offering the program and the  
18 health care organization where the practice of nursing  
19 occurs. The educational institution will file with the  
20 Department each academic term a list of the names and  
21 origin of license of all professional nurses practicing  
22 nursing as part of their programs under this provision.

23 (l) Any person licensed in this State under any  
24 other Act from engaging in the practice for which she or  
25 he is licensed.

26 (m) Delegation to authorized direct care staff  
27 trained under Section 15.4 of the Mental Health and  
28 Developmental Disabilities Administrative Act.

29 (n) The practice of midwifery by persons licensed  
30 under the Certified Professional Midwife Licensure Act.

31 An applicant for license practicing under the exceptions  
32 set forth in subparagraphs (g), (h), (i), and (j) of this  
33 Section shall use the title R.N. Lic. Pend. or L.P.N. Lic.  
34 Pend. respectively and no other.

1 (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98;  
2 90-655, eff. 7-30-98; 90-742, eff. 8-13-98; 91-630, eff.  
3 8-19-99.)

4 Section 999. Effective date. This Act takes effect upon  
5 becoming law.