



Sen. Cristina Castro

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10200HB5012sam002

LRB102 24883 AMQ 38850 a

1 AMENDMENT TO HOUSE BILL 5012

2 AMENDMENT NO. _____. Amend House Bill 5012 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Licensed Certified Professional Midwife
5 Practice Act is amended by changing Sections 10, 30, 40, 55,
6 90, 125, 130, and 150 as follows:

7 (225 ILCS 64/10)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 10. Definitions. As used in this Act:

12 "Address of record" means the designated address recorded
13 by the Department in the applicant's application file or the
14 licensee's licensure file as maintained by the Department.

15 "Antepartum" means before labor or childbirth.

16 "Board" means the Illinois Midwifery Board.

1 "Certified nurse midwife" means an individual licensed
2 under the Nurse Practice Act as an advanced practice
3 registered nurse and is certified as a nurse midwife.

4 "Client" means a childbearing individual or newborn for
5 whom a licensed certified professional midwife provides
6 services.

7 "Consultation" means the process by which a licensed
8 certified professional midwife seeks the advice or opinion of
9 another health care professional.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Email address of record" means the designated email
13 address of record by the Department in the applicant's
14 application file or the licensee's licensure file as
15 maintained by the Department.

16 "Health care professional" means an advanced practice
17 registered nurse or a physician licensed to practice medicine
18 in all of its branches.

19 "Intrapartum" means during labor and delivery or
20 childbirth.

21 "Licensed certified professional midwife" means a person
22 who has successfully met the requirements under Section 45 of
23 this Act and has been licensed by the Department.

24 "Low-risk" means a low-risk pregnancy where there is an
25 absence of any preexisting maternal disease, significant
26 disease arising from the pregnancy, or any condition likely to

1 affect the pregnancy, including, but not limited to, those
2 listed in Section 85.

3 "Midwife assistant" means a person, at least 18 years of
4 age, who performs basic administrative, clerical, and
5 supportive services under the supervision of a certified
6 professional midwife, is educated to provide both basic and
7 emergency care to newborns and mothers during labor, delivery,
8 and immediately postpartum, and who maintains Neonatal
9 Resuscitation Program provider status and cardiopulmonary
10 resuscitation certification.

11 "Midwifery bridge certificate" means a certificate issued
12 by the North American Registry of Midwives that documents
13 completion of accredited continuing education for certified
14 professional midwives based upon identified areas to address
15 education in emergency skills and other competencies set by
16 the international confederation of midwives.

17 "Midwifery Education and Accreditation Council" or "MEAC"
18 means the nationally recognized accrediting agency, or its
19 successor, that establishes standards for the education of
20 direct-entry midwives in the United States.

21 "National Association of Certified Professional Midwives"
22 or "NACPM" means the professional organization, or its
23 successor, that promotes the growth and development of the
24 profession of certified professional midwives.

25 "North American Registry of Midwives" or "NARM" means the
26 accredited international agency, or its successor

1 organization, that has established and has continued to
2 administer certification for the credentialing of certified
3 professional midwives, including the administration of a
4 national competency examination.

5 "Onset of care" means the initial prenatal visit upon an
6 agreement between a licensed certified professional midwife
7 and client to establish a midwife-client relationship, during
8 which the licensed certified professional midwife may take a
9 client's medical history, complete an exam, establish a
10 client's record, or perform other services related to
11 establishing care. "Onset of care" does not include an initial
12 interview where information about the licensed certified
13 professional midwife's practice is shared but no
14 midwife-client relationship is established.

15 "Pediatric health care professional" means a licensed
16 physician specializing in the care of children, a family
17 practice physician, or an advanced practice registered nurse
18 licensed under the Nurse Practice Act and certified as a
19 Pediatric Nurse Practitioner or Family Nurse Practitioner.

20 "Physician" means a physician licensed under the Medical
21 Practice Act of 1987 to practice medicine in all of its
22 branches.

23 "Postpartum period" means the first 6 weeks after
24 delivery.

25 "Practice of midwifery" means providing the necessary
26 supervision, care, and advice to a client during a low-risk

1 pregnancy, labor, and the postpartum period, including the
2 intended low-risk delivery of a child, and providing normal
3 newborn care. "Practice of midwifery" does not include the
4 practice of medicine or nursing.

5 "Qualified midwife preceptor" means a licensed and
6 experienced midwife or other health professional licensed in
7 the State who participated in the clinical education of
8 individuals enrolled in a midwifery education institution,
9 program, or pathway accredited by the midwifery education
10 accreditation council who meet the criteria for midwife
11 preceptors by NARM or its successor organization.

12 "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 "Supportive services" means simple routine medical tasks
15 and procedures for which the midwife assistant or student
16 midwife is appropriately trained.

17 (Source: P.A. 102-683, eff. 10-1-22.)

18 (225 ILCS 64/30)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 30. Illinois Midwifery Board.

23 (a) There is created under the authority of the Department
24 the Illinois Midwifery Board, which shall consist of 9 members
25 appointed by the Secretary: 5 of whom shall be licensed

1 certified professional midwives, with initial appointees
2 having at least 3 years of experience in the practice of
3 midwifery in an out-of-hospital setting, be certified by the
4 North American Registry of Midwives, and meet the
5 qualifications for licensure set forth in this Act; one of
6 whom shall be an Illinois licensed physician who specializes
7 in obstetrics; one of whom shall be an Illinois licensed
8 advanced practice registered nurse who is a certified nurse
9 midwife who provides home birth services; one of whom shall be
10 a pediatric health care professional; and one of whom shall be
11 a public member. Board members shall serve 4-year terms,
12 except that in the case of initial appointments, terms shall
13 be staggered as follows: 4 members shall serve for 4 years, 3
14 members shall serve for 3 years, and 2 members shall serve for
15 2 years. The Board shall annually elect a chairperson and vice
16 chairperson. All board members must be residents of this
17 State. All board members, except for the public member, must
18 be licensed in good standing and, at the time of appointment,
19 actively engaged in their respective professions.

20 (b) Any appointment made to fill a vacancy shall be for the
21 unexpired portion of the term. Appointments to fill vacancies
22 shall be made in the same manner as original appointments. No
23 Board member may be reappointed for a term that would cause his
24 or her continuous service on the Board to exceed 10 years.

25 (c) Board membership must have a reasonable representation
26 from different geographic areas of this State, if possible.

1 (d) The Secretary may solicit board recommendations from
2 midwifery organizations.

3 (e) The members of the Board may be reimbursed for all
4 legitimate, necessary, and authorized expenses incurred in
5 attending the meetings of the Board.

6 (f) The Secretary may remove any member of the Board for
7 misconduct, incapacity, or neglect of duty at any time prior
8 to the expiration of his or her term.

9 (g) Five Board members shall constitute a quorum. A
10 vacancy in the membership of the Board shall not impair the
11 right of a quorum to perform all of the duties of the Board.

12 (h) The Board may provide the Department with
13 recommendations concerning the administration of this Act and
14 may perform each of the following duties:

15 (1) Recommend to the Department the prescription and,
16 from time to time, the revision of any rules that may be
17 necessary to carry out the provisions of this Act,
18 including those that are designed to protect the health,
19 safety, and welfare of the public.

20 (2) Recommend changes to the medication formulary list
21 as standards and drug availability change.

22 (3) Participate in disciplinary conferences and
23 hearings.

24 (4) Make recommendations to the Department regarding
25 disciplinary action taken against a licensee as provided
26 under this Act.

1 (5) Recommend the approval, denial of approval, and
2 withdrawal of approval of required education and
3 continuing educational programs.

4 (i) Members of the Board shall be immune from suit in an
5 action based upon a disciplinary proceeding or other activity
6 performed in good faith as a member of the Board, except for
7 willful or wanton misconduct.

8 (Source: P.A. 102-683, eff. 10-1-22.)

9 (225 ILCS 64/40)

10 (This Section may contain text from a Public Act with a
11 delayed effective date)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 40. Use of title. No person may use the title
14 "licensed midwife" ~~7~~ to describe or imply that he or she is a
15 licensed midwife ~~7~~ or represent himself or herself as a
16 licensed midwife unless the person is granted a license under
17 this Act or is licensed as an advanced practice registered
18 nurse with certification as a nurse midwife.

19 (Source: P.A. 102-683, eff. 10-1-22.)

20 (225 ILCS 64/55)

21 (This Section may contain text from a Public Act with a
22 delayed effective date)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 55. Expiration; renewal of licensure. The expiration

1 date and renewal period for each license issued under this Act
2 shall be set by rule. The holder of a license may renew the
3 license during the month preceding the expiration date of the
4 license by paying the required fee. It is the responsibility
5 of the licensee to notify the Department in writing of a change
6 of address required for the renewal of a license under this
7 Act. ~~Applicants have 3 years from the date of application to~~
8 ~~complete the application process. If the process has not been~~
9 ~~completed in 3 years, the application shall be denied, the fee~~
10 ~~shall be forfeited, and the applicant must reapply and meet~~
11 ~~the requirements in effect at the time of reapplication.~~

12 The Department may adopt rules for continuing education
13 for licensed certified professional midwives licensed under
14 this Act that require 20 hours of continuing education per
15 2-year license renewal cycle. The rules shall address
16 variances in part or in whole for good cause, including
17 without limitation, illness or hardship. The rules must ensure
18 that licensees are given the opportunity to participate in
19 programs sponsored by or through their State or national
20 professional associations, hospitals, or other providers of
21 continuing education. Each licensee is responsible for
22 maintaining records of completion of continuing education and
23 shall be prepared to produce the records when requested by the
24 Department.

25 Any licensed certified professional midwife who has
26 permitted his or her license to expire or who has had his or

1 her license on inactive status may have the license restored
2 by applying to the Department and filing proof acceptable to
3 the Department of his or her fitness to have the license
4 restored, and by paying the required fees. Proof of fitness
5 may include sworn evidence certifying to active lawful
6 practice in another jurisdiction.

7 If the licensed certified professional midwife has not
8 maintained an active practice in another jurisdiction
9 satisfactory to the Department, the Department shall
10 determine, by an evaluation program established by rule, his
11 or her fitness for restoration of the license and shall
12 establish procedures and requirements for such restoration.

13 However, any licensed certified professional midwife whose
14 license expired while he or she was (1) in federal or State
15 service on active duty, or (2) in training or education under
16 the supervision of the United States preliminary to induction
17 into the military service, may have the license restored
18 without paying any lapsed renewal fees if, within 2 years
19 after termination of such service, training, or education, he
20 or she furnishes the Department with satisfactory evidence to
21 the effect that he or she has been so engaged and that his or
22 her service, training, or education has been terminated.

23 (Source: P.A. 102-683, eff. 10-1-22.)

24 (225 ILCS 64/90)

25 (This Section may contain text from a Public Act with a

1 delayed effective date)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 90. Annual Reports.

4 (a) A licensed certified professional midwife shall
5 annually report to the Department of Public Health, by no
6 later than March 31 of each year, in a manner specified by the
7 Department of Public Health, the following information
8 regarding cases in which the licensed certified professional
9 midwife assisted during the previous calendar year when the
10 intended place of birth at the onset of care was an
11 out-of-hospital setting:

12 (1) the total number of patients served at the onset
13 of care;

14 (2) the number, by county, of live births attended;

15 (3) the number, by county, of cases of fetal demise,
16 infant deaths, and maternal deaths attended at the
17 discovery of the demise or death;

18 (4) the number of women whose care was transferred to
19 another health care professional during the antepartum
20 period and the reason for transfer;

21 (5) the number, reason for, and outcome of each
22 nonemergency hospital transfer during the intrapartum or
23 postpartum period;

24 (6) the number, reason for, and outcome of each urgent
25 or emergency transport of an expectant childbearing
26 individual in the antepartum period;

1 (7) the number, reason for, and outcome of each urgent
2 or emergency transport of an infant or childbearing
3 individual during the intrapartum or immediate postpartum
4 period;

5 (8) the number of planned out-of-hospital births at
6 the onset of labor and the number of births completed in an
7 out-of-hospital setting;

8 (9) a brief description of any complications resulting
9 in the morbidity or mortality of a childbearing individual
10 or a neonate; and

11 (10) any other information required by rule by the
12 Department of Public Health.

13 (b) (Blank). ~~The Board shall maintain the confidentiality~~
14 ~~of any report under subsection (d).~~

15 (c) Notwithstanding any other provision of law, a licensed
16 certified professional midwife shall be subject to the same
17 reporting requirements as other health care professionals who
18 provide care to individuals.

19 (d) (Blank). ~~Reports are confidential under Section 180 of~~
20 ~~this Act.~~

21 (Source: P.A. 102-683, eff. 10-1-22.)

22 (225 ILCS 64/125)

23 (This Section may contain text from a Public Act with a
24 delayed effective date)

25 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 125. Rehearing. If the Secretary is satisfied that
2 substantial justice has not been done in the revocation,
3 suspension, or refusal to issue or renew a license, the
4 Secretary may order a rehearing by the same or another hearing
5 officer ~~or Board~~.

6 (Source: P.A. 102-683, eff. 10-1-22.)

7 (225 ILCS 64/130)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 130. Administrative review; certification of record.

12 (a) All final administrative decisions of the Department
13 are subject to judicial review pursuant to the provisions of
14 the Administrative Review Law, and all rules adopted pursuant
15 thereto. "Administrative decision" has the same meaning as
16 used in Section 3-101 of the Code of Civil Procedure.

17 (b) Proceedings for judicial review shall be commenced in
18 the circuit court of the county in which the party applying for
19 review resides, but if the party is not a resident of this
20 State, venue shall be in Sangamon County.

21 (c) The Department shall not be required to certify any
22 record to the court, to file an answer in court, or to
23 otherwise appear in any court in a judicial review proceeding
24 unless and until the Department has received from the
25 plaintiff payment of the costs of furnishing and certifying

1 the record, which costs shall be determined by the Department.
2 ~~Exhibits shall be certified without cost.~~ Failure on the part
3 of the plaintiff to file a receipt in court is grounds for
4 dismissal of the action. During the pendency and hearing of
5 any and all judicial proceedings incident to the disciplinary
6 action, the sanctions imposed upon the accused by the
7 Department because of acts or omissions related to the
8 delivery of direct patient care as specified in the
9 Department's final administrative decision, shall, as a matter
10 of public policy, remain in full force and effect in order to
11 protect the public pending final resolution of any of the
12 proceedings.

13 (Source: P.A. 102-683, eff. 10-1-22.)

14 (225 ILCS 64/150)

15 (This Section may contain text from a Public Act with a
16 delayed effective date)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 150. Hearing officer. Notwithstanding the provisions
19 of Section 140, the Secretary shall have the authority to
20 appoint any attorney duly licensed to practice law in this
21 State to serve as the hearing officer in any action for refusal
22 to issue or renew, or for discipline of, a license. The hearing
23 officer shall have full authority to conduct the hearing. The
24 hearing officer shall report his or her findings of fact,
25 conclusions of law, and recommendations to the Board and the

1 Secretary. The Board shall ~~have 60 days after receipt of the~~
2 ~~report to~~ review the report of the hearing officer and present
3 their findings of fact, conclusions of law, and
4 recommendations to the Secretary. If the Secretary disagrees
5 in any regard with the report of the Board or hearing officer,
6 he or she may issue an order in contravention thereof.

7 (Source: P.A. 102-683, eff. 10-1-22.)

8 (225 ILCS 64/160 rep.)

9 Section 10. The Licensed Certified Professional Midwife
10 Practice Act is amended by repealing Section 160.

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."