

AN ACT concerning regulation.

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

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

(225 ILCS 64/10)

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

(Section scheduled to be repealed on January 1, 2027)

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

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

"Antepartum" means before labor or childbirth.

"Board" means the Illinois Midwifery Board.

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

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

"Consultation" means the process by which a licensed

certified professional midwife seeks the advice or opinion of another health care professional.

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

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

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

"Intrapartum" means during labor and delivery or childbirth.

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

"Low-risk" means a low-risk pregnancy where there is an absence of any preexisting maternal disease, significant disease arising from the pregnancy, or any condition likely to affect the pregnancy, including, but not limited to, those listed in Section 85.

"Midwife assistant" means a person, at least 18 years of age, who performs basic administrative, clerical, and supportive services under the supervision of a certified professional midwife, is educated to provide both basic and emergency care to newborns and mothers during labor, delivery,

and immediately postpartum, and who maintains Neonatal Resuscitation Program provider status and cardiopulmonary resuscitation certification.

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

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

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

"North American Registry of Midwives" or "NARM" means the accredited international agency, or its successor organization, that has established and has continued to administer certification for the credentialing of certified professional midwives, including the administration of a national competency examination.

"Onset of care" means the initial prenatal visit upon an agreement between a licensed certified professional midwife and client to establish a midwife-client relationship, during

which the licensed certified professional midwife may take a client's medical history, complete an exam, establish a client's record, or perform other services related to establishing care. "Onset of care" does not include an initial interview where information about the licensed certified professional midwife's practice is shared but no midwife-client relationship is established.

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

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

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

"Practice of midwifery" means providing the necessary supervision, care, and advice to a client during a low-risk pregnancy, labor, and the postpartum period, including the intended low-risk delivery of a child, and providing normal newborn care. "Practice of midwifery" does not include the practice of medicine or nursing.

"Qualified midwife preceptor" means a licensed and experienced midwife or other health professional licensed in the State who participated in the clinical education of

individuals enrolled in a midwifery education institution, program, or pathway accredited by the midwifery education accreditation council who meet the criteria for midwife preceptors by NARM or its successor organization.

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

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

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

(225 ILCS 64/30)

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

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

Sec. 30. Illinois Midwifery Board.

(a) There is created under the authority of the Department the Illinois Midwifery Board, which shall consist of 9 members appointed by the Secretary: 5 of whom shall be licensed certified professional midwives, with initial appointees having at least 3 years of experience in the practice of midwifery in an out-of-hospital setting, be certified by the North American Registry of Midwives, and meet the qualifications for licensure set forth in this Act; one of whom shall be an Illinois licensed physician who specializes in obstetrics; one of whom shall be an Illinois licensed

advanced practice registered nurse who is a certified nurse midwife who provides home birth services; one of whom shall be a pediatric health care professional; and one of whom shall be a public member. Board members shall serve 4-year terms, except that in the case of initial appointments, terms shall be staggered as follows: 4 members shall serve for 4 years, 3 members shall serve for 3 years, and 2 members shall serve for 2 years. The Board shall annually elect a chairperson and vice chairperson. All board members must be residents of this State. All board members, except for the public member, must be licensed in good standing and, at the time of appointment, actively engaged in their respective professions.

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

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

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

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

(f) The Secretary may remove any member of the Board for misconduct, incapacity, or neglect of duty at any time prior

to the expiration of his or her term.

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

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

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

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

(3) Participate in disciplinary conferences and hearings.

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

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

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

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

(225 ILCS 64/40)

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

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

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

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

(225 ILCS 64/55)

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

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

Sec. 55. Expiration; renewal of licensure. The expiration date and renewal period for each license issued under this Act shall be set by rule. The holder of a license may renew the license during the month preceding the expiration date of the license by paying the required fee. It is the responsibility of the licensee to notify the Department in writing of a change of address required for the renewal of a license under this Act. ~~Applicants have 3 years from the date of application to~~

~~complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.~~

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

Any licensed certified professional midwife who has permitted his or her license to expire or who has had his or her license on inactive status may have the license restored by applying to the Department and filing proof acceptable to the Department of his or her fitness to have the license restored, and by paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction.

If the licensed certified professional midwife has not

maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of the license and shall establish procedures and requirements for such restoration.

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

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

(225 ILCS 64/90)

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

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

Sec. 90. Annual Reports.

(a) A licensed certified professional midwife shall annually report to the Department of Public Health, by no later than March 31 of each year, in a manner specified by the Department of Public Health, the following information

regarding cases in which the licensed certified professional midwife assisted during the previous calendar year when the intended place of birth at the onset of care was an out-of-hospital setting:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 64/125)

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

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

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

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

(225 ILCS 64/130)

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

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

Sec. 130. Administrative review; certification of record.

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

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

(c) The Department shall not be required to certify any record to the court, to file an answer in court, or to otherwise appear in any court in a judicial review proceeding unless and until the Department has received from the plaintiff payment of the costs of furnishing and certifying the record, which costs shall be determined by the Department. ~~Exhibits shall be certified without cost.~~ Failure on the part of the plaintiff to file a receipt in court is grounds for dismissal of the action. During the pendency and hearing of any and all judicial proceedings incident to the disciplinary action, the sanctions imposed upon the accused by the Department because of acts or omissions related to the

delivery of direct patient care as specified in the Department's final administrative decision, shall, as a matter of public policy, remain in full force and effect in order to protect the public pending final resolution of any of the proceedings.

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

(225 ILCS 64/150)

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

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

Sec. 150. Hearing officer. Notwithstanding the provisions of Section 140, the Secretary shall have the authority to appoint any attorney duly licensed to practice law in this State to serve as the hearing officer in any action for refusal to issue or renew, or for discipline of, a license. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Board and the Secretary. The Board shall ~~have 60 days after receipt of the report to~~ review the report of the hearing officer and present their findings of fact, conclusions of law, and recommendations to the Secretary. If the Secretary disagrees in any regard with the report of the Board or hearing officer, he or she may issue an order in contravention thereof.

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

(225 ILCS 64/160 rep.)

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

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

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