

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

Andria Ditschman

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Rule Set Information:

ARD assigned rule set number:

2020-129 LR

Title of proposed rule set:

Board of Midwifery

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements with respect to licensed midwives, so there are no federal rules or standards set by a national or state agency that the proposed rules can exceed.

A. Are these rules required by state law or federal mandate?

The rules are not federally mandated. The following state laws require rules: MCL 333.16204 states that if a board requires completion of continuing education (CE) as a condition for renewal, it shall require an appropriate number of hours or courses in pain and symptom management; MCL 333.16148 requires training standards for identifying victims of human trafficking; MCL 333.16287 states that the Department, in consultation with the board, shall promulgate rules to implement sections 16284 and 16285; and Part 171 of the Public Health Code, MCL 333.17101 to MCL 333.17123, effective April 4, 2017, established the formation of the Michigan Board of Midwifery and required the Board to enact rules within 24 months after the effective date of Part 171.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed any federal standards.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

Each state is responsible for implementing its own laws and rules pertaining to licensed midwives.

In Indiana, Minnesota, New York, and Wisconsin midwives are licensed as independent licensed midwives. In addition, in December of 2021, Illinois passed legislation to allow a licensing process for a midwife, which requires a midwife certification from the North American Registry of Midwives (NARM), as well as a post-secondary midwifery education program. If a midwifery education program has not been completed by an applicant, but the applicant holds a certification from NARM, the applicant may be licensed through an alternate path. The new process takes effect in 2022.

In Ohio and Pennsylvania, there is no licensure process for licensed midwives.

In order to be licensed as a midwife in Indiana, an applicant must submit: a Certified Professional Midwife (CPM) credential from the NARM, proof of education, cardiopulmonary resuscitation (CPR) card, American Academy of Pediatrics certificate showing completion of a program in neonatal resuscitation, observation of birth forms, proof of passing an emergency skills training course, proof of liability insurance, a collaborative practice agreement, and a criminal background check. A licensed midwife must work pursuant to a collaborative agreement with a physician holding an unrestricted license to practice medicine in Indiana.

In Minnesota, an applicant must submit proof of having graduated from an approved education program, a certificate as a CPM by NARM, certification by the American Heart Association (AHA) or the American Red Cross in CPR for adults and infants, a medical consultation plan, and the required practical experience.

In New York, an applicant must submit proof of education and have passed the American Midwifery Certification Board (AMCB) examination. A midwife must have a collaborative relationship with a licensed physician who is board certified as an obstetrician-gynecologist, or who practices obstetrics and has privileges at a hospital, or with a hospital licensed under the state that provides obstetrics through a licensed physician.

In Wisconsin, an applicant is required to provide a certification from NARM or the American College of Nurse Midwives, submit certification in CPR, obtain certification for use of an automated external defibrillator, and background information.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

Similarly, to Illinois, Indiana, Minnesota, New York, and Wisconsin, the proposed rules provide a licensure process for licensed midwives, and a renewal process with continuing education.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no other laws, rules, or other legal requirements that duplicate, overlap, or conflict with the proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

There are no other laws, rules, or other legal requirements that duplicate, overlap, or conflict with the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

There is no applicable federally mandated standard, therefore, MCL 24.232(8) does not apply.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.

There is no applicable federally mandated standard, therefore, MCL 24.232(9) does not apply.

Purpose and Objectives of the Rule(s)

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

The proposed rules are designed to modify the following behavior: require licensed midwives to meet the requirements in the Public Health Code-General Rules, R 338.7001 through R 338.7005, including complying with a minimum English language requirement and an implicit bias training requirement; require applicants for endorsement and relicensure to disclose all licenses with other entities, report current discipline or sanctions on a license, meet the human trafficking training requirement, English language requirement, and implicit bias training; require licensed midwives to consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse, if an infant has an abnormal blood spot infant screening or failed critical congenital heart defect screening; allow licensed midwives to use additional drugs listed in Table 1 and Table 2 for the treatment of patients; and allow licensed midwives in the renewal process to use the two required hours of implicit bias training for credit towards the two required hours of cultural awareness training.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

It is expected that licensed midwives will meet the requirements in the Public Health Code-General Rules, R 338.7001 through R 338.7005, including complying with a minimum English language requirement and an implicit bias training requirement; applicants for endorsement and relicensure will disclose all licenses with other entities, report current discipline or sanctions on a license, meet the human trafficking training requirement, English language requirement, and implicit bias training; licensed midwives will consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse, if an infant has an abnormal blood spot infant screening or failed critical congenital heart defect screening; licensed midwives may use the additional drugs listed in Table 1 and Table 2 for the treatment of patients; and licensed midwives in the renewal process will submit the two required hours of implicit bias training for credit toward the two required hours of cultural awareness training.

B. Describe the difference between current behavior/practice and desired behavior/practice.

The difference between the current behavior/practice and desired behavior/practice is: require licensed midwives to meet the requirements in the Public Health Code-General Rules, R 338.7001 through R 338.7005, including complying with a minimum English language requirement and an implicit bias training requirement versus not complying with these requirements; require applicants for endorsement and relicensure to disclose all licenses with other entities, report current discipline or sanctions on a license, and meet the human trafficking training requirement, English language requirement, and implicit bias training versus an applicant for endorsement or relicensure not submitting this information to the Department; require licensed midwives to consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse, if an infant has an abnormal blood spot infant screening or failed critical congenital heart defect screening versus not referring the patient; allow licensed midwives to use additional drugs listed in Table 1 and Table 2 for the treatment of patients versus not allowing licensed midwives to use the additional drugs; and allow licensed midwives in the renewal process to use the two required hours of implicit bias training for credit toward the two required hours of cultural awareness training versus requiring licensed midwives to have both the hours for implicit bias and the hours for cultural awareness.

C. What is the desired outcome?

The desired outcome is: licensed midwives will meet the requirements in the Public Health Code-General Rules, R 338.7001 through R 338.7005, including complying with a minimum English language requirement and an implicit bias training requirement; applicants for endorsement and relicensure will disclose all licenses with other entities, report current discipline or sanctions on a license, meet the human trafficking training requirement, English language requirement, and implicit bias training; licensed midwives will consult with or refer a patient to a physician, physician's assistant, or advanced practice registered nurse, if an infant has an abnormal blood spot infant screening or failed critical congenital heart defect screening; licensed midwives will have the ability to use additional drugs listed in Table 1 and Table 2 for the treatment of patients; and in the renewal process, licensed midwives will use the two required hours of implicit bias training for credit toward the two required hours of cultural awareness training.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

The harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule is: licensed midwives would not have to meet a minimum English language requirement and would not have education in implicit bias issues; the Department would not have previous licensure information on endorsement and relicensure applicants, such as discipline or sanctions on another license; applicants for endorsement and relicensure would not have human trafficking training, minimum English language proficiency, or the implicit bias training; licensed midwives may treat an infant where an additional consult or referral would be more appropriate for the circumstances; a licensed midwife may need to use drugs on a patient that were not allowed; licensed midwives would be required to take the same type of training twice during a license cycle.

A. What is the rationale for changing the rules instead of leaving them as currently written?

The rationale for changing the rules is: licensed midwives would not have to meet a minimum English language requirement, and would not have education in implicit bias issues; the Department would not have previous licensure information on endorsement and relicensure applicants, such as discipline or sanctions on another license; applicants for endorsement and relicensure would not have human trafficking training, minimum English language proficiency, or the implicit bias training; licensed midwives may treat an infant where an additional consult or referral would be more appropriate for the circumstances; a licensed midwife may need to use drugs on a patient that were not allowed; licensed midwives would be required to take the same type of training twice during a license cycle.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

The proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply, as the proposed rules will require: licensed midwives to meet the requirements in the Public Health Code-General Rules, R 338.7001 through R 338.7005, including complying with a minimum English language requirement and an implicit bias training requirement versus not complying with these requirements; require applicants for endorsement and relicensure to disclose all licenses with other entities, report current discipline or sanctions on a license, and meet the human trafficking training requirement, English language requirement, and implicit bias training, versus an applicant not meeting the training requirements and not providing previous licensing information to the Department; licensed midwives to consult with or refer a patient to a physician, physician’s assistant, or advanced practice registered nurse if an infant has an abnormal blood spot infant screening or failed critical congenital heart defect screening, versus not referring the patient; allow licensed midwives to use additional drugs listed in Table 1 and Table 2 for the treatment of patients, versus not having the drugs available; and allow licensed midwives in the renewal process to use the two required hours of implicit bias training for credit toward the two required hours of cultural awareness training, versus requiring licensed midwives to have both the hours for implicit bias and the hours for cultural awareness.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

Rule 338.17127 that requires a licensed midwife to obtain a total score of not less than 80 on the test of English as a foreign language internet-based test (TOEFL-iBT) administered by the educational testing service (ETS) is being rescinded as the Public Health Code General Rules, referenced in these proposed rules, includes more options to show English language proficiency.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The proposed rules are not expected to have a fiscal impact on the agency.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made nor has a funding source been provided for expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

The following burdens will be placed on individuals as a result of the proposed rules: require licensed midwives to meet the English language requirement and an implicit bias training requirement, and require applicants for endorsement and relicensure to meet the human trafficking training requirement, English language requirement, and implicit bias training requirement.

The proposed rules will impose a burden on health care professionals by requiring that they invest time in obtaining the trainings. Promoting equity in access to and the provision of health care services to the residents of Michigan, as well as training in human trafficking, greatly outweighs that burden.

The proposed rules are necessary to ensure that applicants are appropriately trained and educated to practice as licensed midwives in Michigan.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

The burdens placed on individuals to complete a minimum English language requirement, implicit bias training, and human trafficking training are necessary to ensure that applicants are appropriately trained and educated to practice as licensed midwives in Michigan.

Impact on Other State or Local Governmental Units

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

There are no anticipated increases or decreases in revenues, or cost increases or reductions, to other state or local government units as a result of the proposed rules.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, county, town, village, or school district as a result of these proposed rules.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

There are no actions that governmental units must take to comply with these proposed rules.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

No appropriations have been made to any governmental units as a result of these rules. No additional expenditures are anticipated or intended with the proposed rules.

Rural Impact

16. In general, what impact will the rules have on rural areas?

The proposed rules are not expected to impact rural areas. The proposed rules apply to licensed midwives, regardless of their location.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

The proposed rules are not expected to impact rural areas. The proposed rules apply to licensure of licensed midwives in the state, regardless of their location.

Environmental Impact

17. Do the proposed rules have any impact on the environment? If yes, please explain.

No, the rules will not have an impact on the environment.

Small Business Impact Statement

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The proposed rules impose requirements on individual licensees, rather than small businesses. Even if a licensee's practice qualifies as a small business, the Department could not exempt his or her business, because it would create a disparity in the regulation of the profession.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The proposed rules cannot exempt small businesses because the rules do not directly regulate small businesses, they regulate individual licensees.

While licensees may practice independently or as part of a small business, the law does not allow the rules to exempt these individuals from the requirements of the rules. However, the impact on licensees who practice as part of a small business is minimized in the proposed rules, as the rules are written broadly. As a result, a licensee, whether in small business or not, should not be significantly impacted by the changes.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

As of March 1, 2022, there are approximately 70 licensed midwives in Michigan. Licensed midwives practice in different work environments. No matter what type of business environment the licensee works in, he or she will have to take the necessary steps to comply with the proposed rules. The rules do not affect small businesses differently.

The anticipated effects on licensees are minimal because they clarify what is already required of licensees and not of the business in which they may work.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The agency did not establish separate compliance or reporting requirements for small businesses.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

The agency did not consolidate or simplify the compliance and reporting requirements for small businesses, nor did it identify the skills necessary to comply with the reporting requirements, as the proposed rules impose requirements on individual licensees rather than small businesses.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The agency did not establish performance standards to replace design or operation standards required by these rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules affect individual licensees, rather than small businesses. Therefore, there is no disproportionate effect on small businesses because of their size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rules affect individual licensure applications and renewals, which are already required of all licensees regardless of if they practice in a small business. There is no separate cost to small businesses.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no expected increased costs for small businesses concerning the costs of equipment, supplies, labor, or administrative costs.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no expected increased costs for small businesses concerning legal, consulting, or accounting services.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

There are no expected costs to small businesses that will cause economic harm to a small business or the marketplace, as a result of the proposed rules.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on licensees. Even if a licensee's employer qualifies as a small business, the Department could not exempt his or her business, because it would create disparity in the regulation of licensed midwives. Therefore, exempting or setting lesser standards of compliance for small businesses is not in the best interest of the public.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on licensees. Even if a licensee's employer qualifies as a small business, the Department could not exempt his or her business because it would create disparity in the regulation of licensed midwives. Therefore, exempting or setting lesser standards of compliance for small businesses is not in the best interest of the public.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The Department worked with multiple stakeholders at the Michigan Board of Licensed Midwifery Rules Committee Work Group meetings, which included members from the Board of Licensed Midwifery, educational institutions, businesses, and other members of the public in the development of the proposed rules. The Board is composed of members of the profession and members of the public who may work in businesses in Michigan.

A. If small businesses were involved in the development of the rules, please identify the business(es).

Representatives from businesses were involved in the development of the rules. However, the Department is not aware if they meet the definition of a "small business."

Cost-Benefit Analysis of Rules (independent of statutory impact)

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

The Department does not expect any statewide compliance costs of the proposed rules on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

The Department does not expect any businesses or groups to be directly affected by, bear the cost of, or directly benefit from, the proposed rules.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

The Department does not expect the proposed rules to result in any additional costs, such as new equipment, supplies, labor, accounting, or recordkeeping on businesses or other groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The options for an applicant to meet the English language requirement have been expanded by the proposed rules. The cost to comply with this requirement will range from no cost if the applicant simply shows that his or her educational program was taught in English, or he or she obtains transcripts from his or her English-speaking undergraduate or graduate school, to the cost of a proficiency test. The estimated cost to take an English proficiency test ranges from \$130.00 to \$250.00, depending on the test.

The cost of obtaining the implicit bias training and human trafficking training will vary, depending on the program the individual chooses. Several Michigan hospitals offer implicit bias training free of charge. Human trafficking training is also offered in the state without a fee.

The Department does not expect the proposed rules to result in any other additional compliance costs such as new educational costs, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or record keeping on the public.

A. How many and what category of individuals will be affected by the rules?

All applicants for initial licensure, endorsement, relicensure, and renewal will be affected by the additional requirements.

The Agency is unable to estimate how many individuals will apply for licensure, endorsement, or relicensure in the future. There are 70 licensed midwives that are expected to renew their licenses.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

The options for an applicant to meet the English language requirement have been expanded by the proposed rules. The cost to comply with this requirement will range from no cost if the applicant simply shows that his or her educational program was taught in English, or he or she obtains transcripts from their English-speaking undergraduate or graduate school, to the cost of a proficiency test. The estimated cost to take an English proficiency test ranges from \$130.00 to \$250.00, depending on the test.

The cost of obtaining the implicit bias training and human trafficking training will vary, depending on the program the individual chooses. Several Michigan hospitals offer implicit bias training free of charge. Human trafficking training is also offered in the state without a fee.

In the license renewal process, a licensed midwife will be allowed to use the two required hours of implicit bias training for credit towards the 2 required hours in cultural awareness training.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

A licensed midwife in the renewal process will be allowed to use the two required hours of implicit bias training for credit towards the 2 required hours in cultural awareness training.

There are no other expected reductions in costs to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules will directly benefit the public by requiring applicants for licensure to comply with a minimum English language requirement, an implicit bias training requirement, and a human trafficking training requirement, which will make the licensee or applicant better prepared to practice midwifery.

The proposed rules will indirectly benefit the public by requiring applicants for endorsement and relicensure to disclose all licenses with other entities and report current discipline or sanctions on a license to the Department.

The proposed rules will directly benefit the public by allowing licensed midwives to use the additional drugs listed in Table 1 and Table 2 for the treatment of patients.

The proposed rules will directly benefit licensees in the renewal process by allowing them to use the two required hours of implicit bias training for credit towards the two required hours of cultural awareness training, as the substantive areas of the two trainings are similar.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The rules are not expected to have an impact on business growth, job creation, or job elimination.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

There is not expected to be a disproportionate effect due to industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

NARM

<http://narm.org/news/end-of-iem-route/>

Canada

<https://cmrc-ccosf.ca/registration>

State By State | Midwives Alliance of North America (mana.org)

Illinois:

Midwifery becomes a licensed profession in Illinois - Chicago Sun-Times (suntimes.com)

Definition-of-Midwifery-and-Scope-of-Practice-of-CNMs-and-CMs-Feb-2012.pdf

102-0683 (ilga.gov)

Indiana:

PLA: Indiana Certified Direct Entry Midwifery Committee

PLA: Midwifery Statutes and Rules (in.gov)

Indiana Code 2019 - Indiana General Assembly, 2022 Session

Minnesota:

Sec. 147D.03 MN Statutes

Sec. 147D.17 MN Statutes

Ohio:

<http://midwivesofohio.org/>

How are midwives regulated in Ohio? - The Center for Community Solutions

New York

NYS Midwifery:Laws, Rules & Regulations:Article 140 (nysed.gov)

Pennsylvania:

<http://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/Medicine/Pages/default.aspx#.VWy6nEJ9TGs>

PENNSYLVANIA STATE BOARD OF NURSING (pa.gov)

Wisconsin:

Rules & Regulations for Licensed Midwives in Wisconsin - Wisconsin Guild of Midwives

Wisconsin Legislature: Chapter SPS 181

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

No estimates or assumptions were made.

Alternative to Regulation

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there is no other reasonable alternative to the proposed rules that would achieve the same or similar goal.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

There is no other reasonable alternative to the proposed rules that would achieve the same or similar goal.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are authorized by statute, private market-based systems cannot serve as an alternative. Each state is responsible for implementing its own laws and rules pertaining to licensing midwives. Private market-based systems are not used for regulating licensees. The licensing and regulation of licensed midwives are state functions, so a regulatory program independent of state intervention cannot be established. The midwifery profession has numerous professional associations that could be considered regulatory mechanisms that are independent of state intervention; however, these professional organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements, but does not join one of the professional organizations, would be able to practice and there would be no way to ensure his or her competency or hold him or her accountable.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

Since the rules are required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

Additional Information

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

English Language proficiency requirement and implicit bias training requirement: the rules will refer licensees to the Public Health General Rules that explicitly outline the requirements.

Human trafficking training requirement: the rules will explicitly inform licensees of the human trafficking training requirements.