

50.20

ARTICLE 11

50.21

BOARD OF NURSING

50.22 Section 1. Minnesota Statutes 2022, section 147D.03, subdivision 1, is amended to read:

50.23 Subdivision 1. **General.** Within the meaning of sections 147D.01 to 147D.27, a person
50.24 who shall publicly profess to be a traditional midwife and who, for a fee, shall assist or
50.25 attend to a woman in pregnancy, childbirth outside a hospital, and postpartum, shall be
50.26 regarded as practicing traditional midwifery. A certified midwife licensed by the Board of
50.27 Nursing under chapter 148G is not subject to the provisions of this chapter.

51.1 Sec. 2. Minnesota Statutes 2022, section 148.241, is amended to read:

51.2 **148.241 EXPENSES.**

51.3 Subdivision 1. **Appropriation.** The expenses of administering sections 148.171 to
51.4 148.285 and chapter 148G shall be paid from the appropriation made to the Minnesota
51.5 Board of Nursing.

51.6 Subd. 2. **Expenditure.** All amounts appropriated to the board shall be held subject to
51.7 the order of the board to be used only for the purpose of meeting necessary expenses incurred
51.8 in the performance of the purposes of sections 148.171 to 148.285 and chapter 148G, and
51.9 the duties imposed thereby as well as the promotion of nursing or certified midwifery
51.10 education and standards of nursing or certified midwifery care in this state.

51.11 Sec. 3. **[148G.01] TITLE.**

51.12 This chapter shall be referred to as the Minnesota Certified Midwife Practice Act.

51.13 Sec. 4. **[148G.02] SCOPE.**

51.14 This chapter applies to all applicants and licensees, all persons who use the title certified
51.15 midwife, and all persons in or out of this state who provide certified midwifery services to
51.16 patients who reside in this state, unless there are specific applicable exemptions provided
51.17 by law.

51.18 Sec. 5. **[148G.03] DEFINITIONS.**

51.19 Subdivision 1. **Scope.** For purposes of this chapter, the definitions in this section have
51.20 the meanings given.

51.21 Subd. 2. **Board.** "Board" means the Minnesota Board of Nursing.

51.22 Subd. 3. **Certification.** "Certification" means the formal recognition by the American
51.23 Midwifery Certification Board of the knowledge, skills, and experience demonstrated by
51.24 the achievement of standards identified by the American College of Nurse Midwives or any
51.25 successor organization.

- 51.26 Subd. 4. **Certified midwife.** "Certified midwife" means an individual who holds a current
51.27 and valid national certification as a certified midwife from the American Midwifery
51.28 Certification Board or any successor organization, and who is licensed by the board under
51.29 this chapter.
- 51.30 Subd. 5. **Certified midwifery practice.** "Certified midwifery practice" means:
- 52.1 (1) managing, diagnosing, and treating women's primary health care, including pregnancy,
52.2 childbirth, postpartum period, care of the newborn, family planning, partner care management
52.3 relating to sexual health, and gynecological care of women across the life span;
- 52.4 (2) ordering, performing, supervising, and interpreting diagnostic studies within the
52.5 scope of certified midwifery practice, excluding interpreting computed tomography scans,
52.6 magnetic resonance imaging scans, positron emission tomography scans, nuclear scans, and
52.7 mammography;
- 52.8 (3) prescribing pharmacologic and nonpharmacologic therapies appropriate to midwifery
52.9 practice;
- 52.10 (4) consulting with, collaborating with, or referring to other health care providers as
52.11 warranted by the needs of the patient; and
- 52.12 (5) performing the role of educator in the theory and practice of midwifery.
- 52.13 Subd. 6. **Collaborating.** "Collaborating" means the process in which two or more health
52.14 care professionals work together to meet the health care needs of a patient, as warranted by
52.15 the needs of the patient.
- 52.16 Subd. 7. **Consulting.** "Consulting" means the process in which a certified midwife who
52.17 maintains primary management responsibility for a patient's care seeks advice or opinion
52.18 of a physician, an advanced practice registered nurse, or another member of the health care
52.19 team.
- 52.20 Subd. 8. **Encumbered.** "Encumbered" means: (1) a license or other credential that is
52.21 revoked, suspended, or contains limitations on the full and unrestricted practice of certified
52.22 midwifery when the revocation, suspension, or limitation is imposed by a state licensing
52.23 board or other state regulatory entity; or (2) a license or other credential that is voluntarily
52.24 surrendered.
- 52.25 Subd. 9. **Licensure period.** "Licensure period" means the interval of time during which
52.26 the certified midwife is authorized to engage in certified midwifery. The initial licensure
52.27 period is from six to 29 full calendar months starting on the day of licensure and ending on
52.28 the last day of the certified midwife's month of birth in an even-numbered year if the year
52.29 of birth is an even-numbered year, or in an odd-numbered year if the year of birth is in an
52.30 odd-numbered year. Subsequent licensure renewal periods are 24 months. For licensure
52.31 renewal, the period starts on the first day of the month following expiration of the previous

- 52.32 licensure period. The period ends the last day of the certified midwife's month of birth in
52.33 an even- or odd-numbered year according to the certified midwife's year of birth.
- 53.1 Subd. 10. **Licensed practitioner.** "Licensed practitioner" means a physician licensed
53.2 under chapter 147, an advanced practice registered nurse licensed under sections 148.171
53.3 to 148.235, or a certified midwife licensed under this chapter.
- 53.4 Subd. 11. **Midwifery education program.** "Midwifery education program" means a
53.5 university or college that provides a program of theory and practice that leads to the
53.6 preparation and eligibility for certification in midwifery and is accredited by the Accreditation
53.7 Commission for Midwifery Education or any successor organization recognized by the
53.8 United States Department of Education or the Council for Higher Education Accreditation.
- 53.9 Subd. 12. **Patient.** "Patient" means a recipient of care provided by a certified midwife,
53.10 including an individual, family, group, or community.
- 53.11 Subd. 13. **Prescribing.** "Prescribing" means the act of generating a prescription for the
53.12 preparation of, use of, or manner of using a drug or therapeutic device under section 148G.09.
53.13 Prescribing does not include recommending the use of a drug or therapeutic device that is
53.14 not required by the federal Food and Drug Administration to meet the labeling requirements
53.15 for prescription drugs and devices.
- 53.16 Subd. 14. **Prescription.** "Prescription" means a written direction or an oral direction
53.17 reduced to writing provided to or for a patient for the preparation or use of a drug or
53.18 therapeutic device. The requirements of section 151.01, subdivisions 16, 16a, and 16b, apply
53.19 to prescriptions for drugs.
- 53.20 Subd. 15. **Referral.** "Referral" means the process in which a certified midwife directs
53.21 a patient to a physician or another health care professional for management of a particular
53.22 problem or aspect of the patient's care.
- 53.23 Subd. 16. **Supervision.** "Supervision" means monitoring and establishing the initial
53.24 direction, setting expectations, directing activities and courses of action, evaluating, and
53.25 changing a course of action in certified midwifery care.
- 53.26 Sec. 6. **[148G.04] CERTIFIED MIDWIFE LICENSING.**
- 53.27 Subdivision 1. **Licensure.** (a) No person shall practice as a certified midwife or serve
53.28 as the faculty of record for clinical instruction in a midwifery distance learning program
53.29 unless the certified midwife is licensed by the board under this chapter.
- 53.30 (b) An applicant for a license to practice as a certified midwife must apply to the board
53.31 in a format prescribed by the board and pay a fee in an amount determined under section
53.32 148G.11.
- 54.1 (c) To be eligible for licensure, an applicant must:

- 54.2 (1) not hold an encumbered license or other credential as a certified midwife or equivalent
54.3 professional designation in any state or territory;
- 54.4 (2) hold a current and valid certification as a certified midwife from the American
54.5 Midwifery Certification Board or any successor organization acceptable to the board and
54.6 provide primary source verification of certification to the board in a format prescribed by
54.7 the board;
- 54.8 (3) have completed a graduate level midwifery program that includes clinical experience,
54.9 is accredited by the Accreditation Commission for Midwifery Education or any successor
54.10 organization recognized by the United States Department of Education or the Council for
54.11 Higher Education Accreditation, and leads to a graduate degree. The applicant must submit
54.12 primary source verification of program completion to the board in a format prescribed by
54.13 the board. The primary source verification must verify the applicant completed three separate
54.14 graduate-level courses in physiology and pathophysiology; advanced health assessment;
54.15 and advanced pharmacology, including pharmacodynamics, pharmacokinetics, and
54.16 pharmacotherapeutics of all broad categories of agents;
- 54.17 (4) report any criminal conviction, nolo contendere plea, Alford plea, or other plea
54.18 arrangement in lieu of conviction; and
- 54.19 (5) not have committed any acts or omissions that are grounds for disciplinary action in
54.20 another jurisdiction or, if these acts were committed and would be grounds for disciplinary
54.21 action as set forth in section 148G.13, the board has found after an investigation that sufficient
54.22 remediation was made.
- 54.23 Subd. 2. **Clinical practice component.** If more than five years have elapsed since the
54.24 applicant has practiced in the certified midwife role, the applicant must complete a
54.25 reorientation plan as a certified midwife. The plan must include supervision during the
54.26 clinical component by a licensed practitioner with experience in providing care to patients
54.27 with the same or similar health care needs. The applicant must submit the plan and the name
54.28 of the practitioner to the board. The plan must include a minimum of 500 hours of supervised
54.29 certified midwifery practice. The certified midwife must submit verification of completion
54.30 of the clinical reorientation to the board when the reorientation is complete.
- 54.31 Sec. 7. **[148G.05] LICENSURE RENEWAL; RELICENSURE.**
- 54.32 Subdivision 1. **Renewal; current applicants.** (a) A certified midwife must apply for
54.33 renewal of the certified midwife's license before the certified midwife's licensure period
55.1 ends. To be considered timely, the board must receive the certified midwife's application
55.2 on or before the last day of the certified midwife's licensure period. A certified midwife's
55.3 license lapses if the certified midwife's application is untimely.
- 55.4 (b) An applicant for certified midwifery renewal must provide the board evidence of
55.5 current certification or recertification as a certified midwife by the American Midwifery
55.6 Certification Board or any successor organization.

55.7 (c) An applicant for certified midwifery renewal must submit to the board the fee under
55.8 section 148G.11, subdivision 2.

55.9 Subd. 2. **Clinical practice component.** If more than five years have elapsed since the
55.10 applicant has practiced as a certified midwife, the applicant must complete a reorientation
55.11 plan as a certified midwife. The plan must include supervision during the clinical component
55.12 by a licensed practitioner with experience in providing care to patients with the same or
55.13 similar health care needs. The licensee must submit the plan and the name of the practitioner
55.14 to the board. The plan must include a minimum of 500 hours of supervised certified
55.15 midwifery practice. The certified midwife must submit verification of completion of the
55.16 clinical reorientation to the board when the reorientation is complete.

55.17 Subd. 3. **Relicensure; lapsed applicants.** A person whose license has lapsed desiring
55.18 to resume practice as a certified midwife must apply for relicensure, submit to the board
55.19 satisfactory evidence of compliance with the procedures and requirements established by
55.20 the board, and pay the board the relicensure fee under section 148G.11, subdivision 4, for
55.21 the current period. A penalty fee under section 148G.11, subdivision 4, is required from a
55.22 person who practiced certified midwifery without current licensure. The board must relicense
55.23 a person who meets the requirements of this subdivision.

55.24 Sec. 8. **[148G.06] FAILURE OR REFUSAL TO PROVIDE INFORMATION.**

55.25 Subdivision 1. **Notification requirement.** An individual licensed as a certified midwife
55.26 must notify the board when the individual renews their certification. If a licensee fails to
55.27 provide notification, the licensee is prohibited from practicing as a certified midwife.

55.28 Subd. 2. **Denial of license.** Refusal of an applicant to supply information necessary to
55.29 determine the applicant's qualifications, failure to demonstrate qualifications, or failure to
55.30 satisfy the requirements for a license contained in this chapter or rules of the board may
55.31 result in denial of a license. The burden of proof is upon the applicant to demonstrate the
55.32 qualifications and satisfaction of the requirements.

56.1 Sec. 9. **[148G.07] NAME CHANGE AND CHANGE OF ADDRESS.**

56.2 A certified midwife must maintain a current name and address with the board and must
56.3 notify the board in writing within 30 days of any change in name or address. All notices or
56.4 other correspondence mailed to or served upon a certified midwife by the board at the
56.5 licensee's address on file with the board are considered received by the licensee.

56.6 Sec. 10. **[148G.08] IDENTIFICATION OF CERTIFIED MIDWIVES.**

56.7 Only those persons who hold a current license to practice certified midwifery in this
56.8 state may use the title of certified midwife. A certified midwife licensed by the board must
56.9 use the designation of CM for professional identification and in documentation of services
56.10 provided.

- 56.11 Sec. 11. **[148G.09] PRESCRIBING DRUGS AND THERAPEUTIC DEVICES.**
- 56.12 Subdivision 1. **Diagnosing, prescribing, and ordering.** Certified midwives, within the
- 56.13 scope of certified midwifery practice, are authorized to:
- 56.14 (1) diagnose, prescribe, and institute therapy or referrals of patients to health care agencies
- 56.15 and providers;
- 56.16 (2) prescribe, procure, sign for, record, administer, and dispense over-the-counter, legend,
- 56.17 and controlled substances, including sample drugs; and
- 56.18 (3) plan and initiate a therapeutic regimen that includes ordering and prescribing durable
- 56.19 medical devices and equipment, nutrition, diagnostic services, and supportive services,
- 56.20 including but not limited to home health care, physical therapy, and occupational therapy.
- 56.21 Subd. 2. **Drug Enforcement Administration requirements.** (a) Certified midwives
- 56.22 must:
- 56.23 (1) comply with federal Drug Enforcement Administration (DEA) requirements related
- 56.24 to controlled substances; and
- 56.25 (2) file the certified midwife's DEA registrations and numbers with the board, if any.
- 56.26 (b) The board must maintain current records of all certified midwives with a DEA
- 56.27 registration and number.
- 56.28 Sec. 12. **[148G.10] FEES.**
- 56.29 The fees specified in section 148G.11 are nonrefundable and must be deposited in the
- 56.30 state government special revenue fund.
- 57.1 Sec. 13. **[148G.11] FEE AMOUNTS.**
- 57.2 Subdivision 1. **Licensure.** The fee for licensure is \$105.
- 57.3 Subd. 2. **Renewal.** The fee for licensure renewal is \$85.
- 57.4 Subd. 3. **Practicing without current certification.** The penalty fee for a person who
- 57.5 practices certified midwifery without a current certification or recertification, or who practices
- 57.6 certified midwifery without current certification or recertification on file with the board, is
- 57.7 \$200 for the first month or part of a month and an additional \$100 for each subsequent
- 57.8 month or parts of months of practice. The penalty fee must be calculated from the first day
- 57.9 the certified midwife practiced without a current certification to the last day of practice
- 57.10 without a current certification, or from the first day the certified midwife practiced without
- 57.11 a current license and certification on file with the board until the day the current license and
- 57.12 certification is filed with the board.
- 57.13 Subd. 4. **Relicensure.** The fee for relicensure is \$105. The fee for practicing without
- 57.14 current licensure is two times the amount of the current renewal fee for any part of the first

- 57.15 calendar month, plus the current renewal fee for any part of each subsequent month up to
57.16 24 months.
- 57.17 Subd. 5. **Dishonored check fee.** The service fee for a dishonored check is as provided
57.18 in section 604.113.
- 57.19 Sec. 14. **[148G.12] APPROVED MIDWIFERY EDUCATION PROGRAM.**
- 57.20 Subdivision 1. **Initial approval.** An institution desiring to conduct a certified midwifery
57.21 program must submit evidence to the board that the institution is prepared to:
- 57.22 (1) provide a program of theory and practice in certified midwifery leading to eligibility
57.23 for certification in midwifery;
- 57.24 (2) achieve preaccreditation and eventual full accreditation by the American Commission
57.25 for Midwifery Education or any successor organization recognized by the United States
57.26 Department of Education or the Council for Higher Education Accreditation. Instruction
57.27 and required experience may be obtained in one or more institutions or agencies outside
57.28 the applying institution if the program retains accountability for all clinical and nonclinical
57.29 teaching; and
- 57.30 (3) meet other standards established by law and by the board.
- 57.31 Subd. 2. **Continuing approval.** The board must, through the board's representative,
57.32 annually survey all midwifery programs in the state for current accreditation status by the
58.1 American Commission for Midwifery Education or any successor organization recognized
58.2 by the United States Department of Education or the Council for Higher Education
58.3 Accreditation. If the results of the survey show that a certified midwifery program meets
58.4 all standards for continuing accreditation, the board must continue approval of the certified
58.5 midwifery program.
- 58.6 Subd. 3. **Loss of approval.** If the board determines that an accredited certified midwifery
58.7 program is not maintaining the standards required by the American Commission on
58.8 Midwifery Education or any successor organization, the board must obtain the defect in
58.9 writing from the accrediting body. If a program fails to correct the defect to the satisfaction
58.10 of the accrediting body and the accrediting body revokes the program's accreditation, the
58.11 board must remove the program from the list of approved certified midwifery programs.
- 58.12 Subd. 4. **Reinstatement of approval.** The board must reinstate approval of a certified
58.13 midwifery program upon submission of satisfactory evidence that the certified midwifery's
58.14 program of theory and practice meets the standards required by the accrediting body.
- 58.15 Sec. 15. **[148G.13] GROUNDS FOR DISCIPLINARY ACTION.**
- 58.16 Subdivision 1. **Grounds listed.** The board may deny, revoke, suspend, limit, or condition
58.17 the license of any person to practice certified midwifery under this chapter or otherwise

- 58.18 discipline a licensee or applicant as described in section 148G.14. The following are grounds
58.19 for disciplinary action:
- 58.20 (1) failure to demonstrate the qualifications or satisfy the requirements for a license
58.21 contained in this chapter or rules of the board. In the case of a person applying for a license,
58.22 the burden of proof is upon the applicant to demonstrate the qualifications or satisfaction
58.23 of the requirements;
- 58.24 (2) employing fraud or deceit in procuring or attempting to procure a license to practice
58.25 certified midwifery;
- 58.26 (3) conviction of a felony or gross misdemeanor reasonably related to the practice of
58.27 certified midwifery. Conviction, as used in this subdivision, includes a conviction of an
58.28 offense that if committed in this state would be considered a felony or gross misdemeanor
58.29 without regard to its designation elsewhere, or a criminal proceeding where a finding or
58.30 verdict of guilt is made or returned, but the adjudication of guilt is either withheld or not
58.31 entered;
- 58.32 (4) revocation, suspension, limitation, conditioning, or other disciplinary action against
58.33 the person's certified midwife credential in another state, territory, or country; failure to
59.1 report to the board that charges regarding the person's certified midwifery license,
59.2 certification, or other credential are pending in another state, territory, or country; or failure
59.3 to report to the board having been refused a license or other credential by another state,
59.4 territory, or country;
- 59.5 (5) failure or inability to practice as a certified midwife with reasonable skill and safety,
59.6 or departure from or failure to conform to standards of acceptable and prevailing certified
59.7 midwifery, including failure of a certified midwife to adequately supervise or monitor the
59.8 performance of acts by any person working at the certified midwife's direction;
- 59.9 (6) engaging in unprofessional conduct, including but not limited to a departure from
59.10 or failure to conform to statutes relating to certified midwifery practice or to the minimal
59.11 standards of acceptable and prevailing certified midwifery practice, or in any certified
59.12 midwifery practice that may create unnecessary danger to a patient's life, health, or safety.
59.13 Actual injury to a patient need not be established under this clause;
- 59.14 (7) supervision or accepting the supervision of a midwifery function or a prescribed
59.15 health care function when the acceptance could reasonably be expected to result in unsafe
59.16 or ineffective patient care;
- 59.17 (8) actual or potential inability to practice certified midwifery with reasonable skill and
59.18 safety to patients by reason of illness; use of alcohol, drugs, chemicals, or any other material;
59.19 or as a result of any mental or physical condition;

- 59.20 (9) adjudication as mentally incompetent, mentally ill, a chemically dependent person,
59.21 or a person dangerous to the public by a court of competent jurisdiction, within or outside
59.22 of this state;
- 59.23 (10) engaging in any unethical conduct, including but not limited to conduct likely to
59.24 deceive, defraud, or harm the public, or demonstrating a willful or careless disregard for
59.25 the health, welfare, or safety of a patient. Actual injury need not be established under this
59.26 clause;
- 59.27 (11) engaging in conduct with a patient that is sexual or may reasonably be interpreted
59.28 by the patient as sexual, in any verbal behavior that is seductive or sexually demeaning to
59.29 a patient, or in sexual exploitation of a patient or former patient;
- 59.30 (12) obtaining money, property, or services from a patient, other than reasonable fees
59.31 for services provided to the patient, through the use of undue influence, harassment, duress,
59.32 deception, or fraud;
- 60.1 (13) revealing a privileged communication from or relating to a patient except when
60.2 otherwise required or permitted by law;
- 60.3 (14) engaging in abusive or fraudulent billing practices, including violations of federal
60.4 Medicare and Medicaid laws or state medical assistance laws;
- 60.5 (15) improper management of patient records, including failure to maintain adequate
60.6 patient records, to comply with a patient's request made pursuant to sections 144.291 to
60.7 144.298, or to furnish a patient record or report required by law;
- 60.8 (16) knowingly aiding, assisting, advising, or allowing an unlicensed person to engage
60.9 in the unlawful practice of certified midwifery;
- 60.10 (17) violating a rule adopted by the board, an order of the board, or a state or federal
60.11 law relating to the practice of certified midwifery, or a state or federal narcotics or controlled
60.12 substance law;
- 60.13 (18) knowingly providing false or misleading information to a patient that is directly
60.14 related to the care of that patient unless done for an accepted therapeutic purpose such as
60.15 the administration of a placebo;
- 60.16 (19) aiding suicide or aiding attempted suicide in violation of section 609.215 as
60.17 established by any of the following:
- 60.18 (i) a copy of the record of criminal conviction or plea of guilty for a felony in violation
60.19 of section 609.215, subdivision 1 or 2;
- 60.20 (ii) a copy of the record of a judgment of contempt of court for violating an injunction
60.21 issued under section 609.215, subdivision 4;

- 60.22 (iii) a copy of the record of a judgment assessing damages under section 609.215,
60.23 subdivision 5; or
- 60.24 (iv) a finding by the board that the person violated section 609.215, subdivision 1 or 2.
60.25 The board must investigate any complaint of a violation of section 609.215, subdivision 1
60.26 or 2;
- 60.27 (20) practicing outside the scope of certified midwifery practice as defined under section
60.28 148G.03, subdivision 5;
- 60.29 (21) making a false statement or knowingly providing false information to the board,
60.30 failing to make reports as required by section 148G.15, or failing to cooperate with an
60.31 investigation of the board as required by section 148G.17;
- 60.32 (22) engaging in false, fraudulent, deceptive, or misleading advertising;
- 61.1 (23) failure to inform the board of the person's certification or recertification status as
61.2 a certified midwife;
- 61.3 (24) engaging in certified midwifery practice without a license and current certification
61.4 or recertification by the American Midwifery Certification Board or any successor
61.5 organization; or
- 61.6 (25) failure to maintain appropriate professional boundaries with a patient. A certified
61.7 midwife must not engage in practices that create an unacceptable risk of patient harm or of
61.8 the impairment of a certified midwife's objectivity or professional judgment. A certified
61.9 midwife must not act or fail to act in a way that, as judged by a reasonable and prudent
61.10 certified midwife, inappropriately encourages the patient to relate to the certified midwife
61.11 outside of the boundaries of the professional relationship, or in a way that interferes with
61.12 the patient's ability to benefit from certified midwife services. A certified midwife must not
61.13 use the professional relationship with a patient, student, supervisee, or intern to further the
61.14 certified midwife's personal, emotional, financial, sexual, religious, political, or business
61.15 benefit or interests.
- 61.16 Subd. 2. **Conviction of a felony-level criminal sexual offense.** (a) Except as provided
61.17 in paragraph (e), the board must not grant or renew a license to practice certified midwifery
61.18 to any person who has been convicted on or after August 1, 2014, of any of the provisions
61.19 of section 609.342, subdivision 1 or 1a; 609.343, subdivision 1 or 1a; 609.344, subdivision
61.20 1 or subdivision 1a, paragraphs (c) to (g); or 609.345, subdivision 1 or subdivision 1a,
61.21 paragraphs (c) to (g); or a similar statute in another jurisdiction.
- 61.22 (b) A license to practice certified midwifery is automatically revoked if the licensee is
61.23 convicted of an offense listed in paragraph (a).
- 61.24 (c) A license to practice certified midwifery that has been denied or revoked under this
61.25 subdivision is not subject to chapter 364.

61.26 (d) For purposes of this subdivision, "conviction" means a plea of guilty, a verdict of
61.27 guilty by a jury, or a finding of guilty by the court, unless the court stays imposition or
61.28 execution of the sentence and final disposition of the case is accomplished at a nonfelony
61.29 level.

61.30 (e) The board may establish criteria whereby an individual convicted of an offense listed
61.31 in paragraph (a) may become licensed if the criteria:

61.32 (1) utilize a rebuttable presumption that the applicant is not suitable for licensing;
61.33 (2) provide a standard for overcoming the presumption; and

62.1 (3) require that a minimum of ten years has elapsed since the applicant's sentence was
62.2 discharged.

62.3 (f) The board must not consider an application under paragraph (e) if the board determines
62.4 that the victim involved in the offense was a patient or a client of the applicant at the time
62.5 of the offense.

62.6 Subd. 3. **Evidence.** In disciplinary actions alleging a violation of subdivision 1, clause
62.7 (3) or (4), or subdivision 2, a copy of the judgment or proceeding under the seal of the court
62.8 administrator or of the administrative agency that entered the same is admissible into evidence
62.9 without further authentication and constitutes prima facie evidence of the violation concerned.

62.10 Subd. 4. **Examination; access to medical data.** (a) If the board has probable cause to
62.11 believe that grounds for disciplinary action exist under subdivision 1, clause (8) or (9), it
62.12 may direct the applicant or certified midwife to submit to a mental or physical examination
62.13 or chemical dependency evaluation. For the purpose of this subdivision, when a certified
62.14 midwife licensed under this chapter is directed in writing by the board to submit to a mental
62.15 or physical examination or chemical dependency evaluation, that person is considered to
62.16 have consented and to have waived all objections to admissibility on the grounds of privilege.
62.17 Failure of the applicant or certified midwife to submit to an examination when directed
62.18 constitutes an admission of the allegations against the applicant or certified midwife, unless
62.19 the failure was due to circumstances beyond the person's control, and the board may enter
62.20 a default and final order without taking testimony or allowing evidence to be presented. A
62.21 certified midwife affected under this paragraph must, at reasonable intervals, be given an
62.22 opportunity to demonstrate that the competent practice of certified midwifery can be resumed
62.23 with reasonable skill and safety to patients. Neither the record of proceedings nor the orders
62.24 entered by the board in a proceeding under this paragraph may be used against a certified
62.25 midwife in any other proceeding.

62.26 (b) Notwithstanding sections 13.384, 144.651, and 595.02, or any other law limiting
62.27 access to medical or other health data, the board may obtain medical data and health records
62.28 relating to a certified midwife or applicant for a license without that person's consent if the
62.29 board has probable cause to believe that grounds for disciplinary action exist under
62.30 subdivision 1, clause (8) or (9). The medical data may be requested from a provider, as
62.31 defined in section 144.291, subdivision 2, paragraph (h); an insurance company; or a

- 62.32 government agency, including the Department of Human Services. A provider, insurance
62.33 company, or government agency must comply with any written request of the board under
62.34 this subdivision and is not liable in any action for damages for releasing the data requested
62.35 by the board if the data are released pursuant to a written request under this subdivision,
63.1 unless the information is false and the provider giving the information knew or had reason
63.2 to believe the information was false. Information obtained under this subdivision is classified
63.3 as private data on individuals as defined in section 13.02.
- 63.4 Sec. 16. **[148G.14] FORMS OF DISCIPLINARY ACTION; AUTOMATIC**
63.5 **SUSPENSION; TEMPORARY SUSPENSION; REISSUANCE.**
- 63.6 Subdivision 1. **Forms of disciplinary action.** If the board finds that grounds for
63.7 disciplinary action exist under section 148G.13, it may take one or more of the following
63.8 actions:
- 63.9 (1) deny the license application or licensure renewal;
- 63.10 (2) revoke the license;
- 63.11 (3) suspend the license;
- 63.12 (4) impose limitations on the certified midwife's practice of certified midwifery including
63.13 but not limited to limitation of scope of practice or the requirement of practice under
63.14 supervision;
- 63.15 (5) impose conditions on the retention of the license, including but not limited to the
63.16 imposition of retraining or rehabilitation requirements or the conditioning of continued
63.17 practice on demonstration of knowledge or skills by appropriate examination, monitoring,
63.18 or other review;
- 63.19 (6) impose a civil penalty not exceeding \$10,000 for each separate violation. The amount
63.20 of the civil penalty must be fixed so as to deprive the certified midwife of any economic
63.21 advantage gained by reason of the violation charged; to reimburse the board for the cost of
63.22 counsel, investigation, and proceeding; and to discourage repeated violations;
- 63.23 (7) order the certified midwife to provide unremunerated service;
- 63.24 (8) censure or reprimand the certified midwife; or
- 63.25 (9) any other action justified by the facts in the case.
- 63.26 Subd. 2. **Automatic suspension of license.** (a) Unless the board orders otherwise, a
63.27 license to practice certified midwifery is automatically suspended if:
- 63.28 (1) a guardian of a certified midwife is appointed by order of a court under sections
63.29 524.5-101 to 524.5-502;
- 63.30 (2) the certified midwife is committed by order of a court under chapter 253B; or

64.1 (3) the certified midwife is determined to be mentally incompetent, mentally ill,
64.2 chemically dependent, or a person dangerous to the public by a court of competent
64.3 jurisdiction within or outside of this state.

64.4 (b) The license remains suspended until the certified midwife is restored to capacity by
64.5 a court and, upon petition by the certified midwife, the suspension is terminated by the
64.6 board after a hearing or upon agreement between the board and the certified midwife.

64.7 Subd. 3. **Temporary suspension of license.** In addition to any other remedy provided
64.8 by law, the board may, through its designated board member under section 214.10,
64.9 subdivision 2, temporarily suspend the license of a certified midwife without a hearing if
64.10 the board finds that there is probable cause to believe the certified midwife has violated a
64.11 statute or rule the board is empowered to enforce and continued practice by the certified
64.12 midwife would create a serious risk of harm to others. The suspension takes effect upon
64.13 written notice to the certified midwife, served by first-class mail, specifying the statute or
64.14 rule violated. The suspension must remain in effect until the board issues a temporary stay
64.15 of suspension or a final order in the matter after a hearing or upon agreement between the
64.16 board and the certified midwife. At the time it issues the suspension notice, the board must
64.17 schedule a disciplinary hearing to be held under the Administrative Procedure Act. The
64.18 board must provide the certified midwife at least 20 days' notice of any hearing held under
64.19 this subdivision. The board must schedule the hearing to begin no later than 30 days after
64.20 the issuance of the suspension order.

64.21 Subd. 4. **Reissuance.** The board may reinstate and reissue a license to practice certified
64.22 midwifery, but as a condition may impose any disciplinary or corrective measure that it
64.23 might originally have imposed. Any person whose license has been revoked, suspended, or
64.24 limited may have the license reinstated and a new license issued when, at the discretion of
64.25 the board, the action is warranted, provided that the board must require the person to pay
64.26 the costs of the proceedings resulting in the revocation, suspension, or limitation of the
64.27 license; the relicensure fee; and the fee for the current licensure period. The cost of
64.28 proceedings includes but is not limited to the cost paid by the board to the Office of
64.29 Administrative Hearings and the Office of the Attorney General for legal and investigative
64.30 services; the costs of a court reporter and witnesses, reproduction of records, board staff
64.31 time, travel, and expenses; and the costs of board members' per diem reimbursements, travel
64.32 costs, and expenses.

65.1 Sec. 17. **[148G.15] REPORTING OBLIGATIONS.**

65.2 Subdivision 1. **Permission to report.** A person who has knowledge of any conduct
65.3 constituting grounds for discipline under section 148G.13 may report the alleged violation
65.4 to the board.

65.5 Subd. 2. **Institutions.** The chief nursing executive or chief administrative officer of any
65.6 hospital, clinic, prepaid medical plan, or other health care institution or organization located
65.7 in this state must report to the board any action taken by the institution or organization or
65.8 any of its administrators or committees to revoke, suspend, limit, or condition a certified

65.9 midwife's privilege to practice in the institution, or as part of the organization, any denial
65.10 of privileges, any dismissal from employment, or any other disciplinary action. The institution
65.11 or organization must also report the resignation of any certified midwife before the conclusion
65.12 of any disciplinary proceeding, or before commencement of formal charges, but after the
65.13 certified midwife had knowledge that formal charges were contemplated or in preparation.
65.14 The reporting described by this subdivision is required only if the action pertains to grounds
65.15 for disciplinary action under section 148G.13.

65.16 Subd. 3. **Licensed professionals.** A person licensed by a health-related licensing board
65.17 as defined in section 214.01, subdivision 2, must report to the board personal knowledge
65.18 of any conduct the person reasonably believes constitutes grounds for disciplinary action
65.19 under section 148G.13 by any certified midwife, including conduct indicating that the
65.20 certified midwife may be incompetent, may have engaged in unprofessional or unethical
65.21 conduct, or may be mentally or physically unable to engage safely in the practice of certified
65.22 midwifery.

65.23 Subd. 4. **Insurers.** (a) By the first day of February, May, August, and November, each
65.24 insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13),
65.25 and providing professional liability insurance to certified midwives must submit to the board
65.26 a report concerning any certified midwife against whom a malpractice award has been made
65.27 or who has been a party to a settlement. The report must contain at least the following
65.28 information:

65.29 (1) the total number of settlements or awards;

65.30 (2) the date a settlement or award was made;

65.31 (3) the allegations contained in the claim or complaint leading to the settlement or award;

65.32 (4) the dollar amount of each malpractice settlement or award and whether that amount
65.33 was paid as a result of a settlement or of an award; and

66.1 (5) the name and address of the practice of the certified midwife against whom an award
66.2 was made or with whom a settlement was made.

66.3 (b) An insurer must also report to the board any information it possesses that tends to
66.4 substantiate a charge that a certified midwife may have engaged in conduct in violation of
66.5 this chapter.

66.6 Subd. 5. **Courts.** The court administrator of district court or another court of competent
66.7 jurisdiction must report to the board any judgment or other determination of the court that
66.8 adjudges or includes a finding that a certified midwife is a person who is mentally ill,
66.9 mentally incompetent, chemically dependent, dangerous to the public, guilty of a felony or
66.10 gross misdemeanor, guilty of a violation of federal or state narcotics laws or controlled
66.11 substances act, guilty of operating a motor vehicle while under the influence of alcohol or
66.12 a controlled substance, or guilty of an abuse or fraud under Medicare or Medicaid; or if the

66.13 court appoints a guardian of the certified midwife under sections 524.5-101 to 524.5-502
66.14 or commits a certified midwife under chapter 253B.

66.15 Subd. 6. **Deadlines; forms.** Reports required by subdivisions 2 to 5 must be submitted
66.16 no later than 30 days after the occurrence of the reportable event or transaction. The board
66.17 may provide forms for the submission of reports required by this section, may require that
66.18 the reports be submitted on the forms provided, and may adopt rules necessary to ensure
66.19 prompt and accurate reporting. The board must review all reports, including those submitted
66.20 after the deadline.

66.21 Subd. 7. **Failure to report.** Any person, institution, insurer, or organization that fails to
66.22 report as required under subdivisions 2 to 6 is subject to civil penalties for failing to report
66.23 as required by law.

66.24 Sec. 18. **[148G.16] IMMUNITY.**

66.25 Subdivision 1. **Reporting.** Any person, health care facility, business, or organization is
66.26 immune from civil liability or criminal prosecution for submitting in good faith a report to
66.27 the board under section 148G.15 or for otherwise reporting in good faith to the board
66.28 violations or alleged violations of this chapter. All such reports are investigative data as
66.29 defined in chapter 13.

66.30 Subd. 2. **Investigation.** (a) Members of the board and persons employed by the board
66.31 or engaged in the investigation of violations and in the preparation and management of
66.32 charges of violations of this chapter on behalf of the board, or persons participating in the
66.33 investigation or testifying regarding charges of violations, are immune from civil liability
67.1 and criminal prosecution for any actions, transactions, or publications in the execution of,
67.2 or relating to, their duties under this chapter.

67.3 (b) Members of the board and persons employed by the board or engaged in maintaining
67.4 records and making reports regarding adverse health care events are immune from civil
67.5 liability and criminal prosecution for any actions, transactions, or publications in the
67.6 execution of, or relating to, their duties under this chapter.

67.7 Sec. 19. **[148G.17] CERTIFIED MIDWIFE COOPERATION.**

67.8 A certified midwife who is the subject of an investigation by or on behalf of the board
67.9 must cooperate fully with the investigation. Cooperation includes responding fully and
67.10 promptly to any question raised by or on behalf of the board relating to the subject of the
67.11 investigation and providing copies of patient or other records in the certified midwife's
67.12 possession, as reasonably requested by the board, to assist the board in its investigation and
67.13 to appear at conferences and hearings scheduled by the board. The board must pay for copies
67.14 requested. If the board does not have written consent from a patient permitting access to
67.15 the patient's records, the certified midwife must delete any data in the record that identify
67.16 the patient before providing it to the board. The board must maintain any records obtained
67.17 pursuant to this section as investigative data under chapter 13. The certified midwife must
67.18 not be excused from giving testimony or producing any documents, books, records, or

- 67.19 correspondence on the grounds of self-incrimination, but the testimony or evidence must
67.20 not be used against the certified midwife in any criminal case.
- 67.21 Sec. 20. **[148G.18] DISCIPLINARY RECORD ON JUDICIAL REVIEW.**
- 67.22 Upon judicial review of any board disciplinary action taken under this chapter, the
67.23 reviewing court must seal the administrative record, except for the board's final decision,
67.24 and must not make the administrative record available to the public.
- 67.25 Sec. 21. **[148G.19] EXEMPTIONS.**
- 67.26 The provisions of this chapter do not prohibit:
- 67.27 (1) the furnishing of certified midwifery assistance in an emergency;
- 67.28 (2) the practice of certified midwifery by any legally qualified certified midwife of
67.29 another state who is employed by the United States government or any bureau, division, or
67.30 agency thereof while in the discharge of official duties;
- 68.1 (3) the practice of any profession or occupation licensed by the state, other than certified
68.2 midwifery, by any person licensed to practice the profession or occupation, or the
68.3 performance by a person of any acts properly coming within the scope of the profession,
68.4 occupation, or license;
- 68.5 (4) the practice of traditional midwifery as specified under section 147D.03;
- 68.6 (5) certified midwifery practice by a student practicing under the supervision of an
68.7 instructor while the student is enrolled in an approved certified midwifery education program;
68.8 or
- 68.9 (6) certified midwifery practice by a certified midwife licensed in another state, territory,
68.10 or jurisdiction who is in Minnesota temporarily;
- 68.11 (i) providing continuing or in-service education;
- 68.12 (ii) serving as a guest lecturer;
- 68.13 (iii) presenting at a conference; or
- 68.14 (iv) teaching didactic content via distance education to a student located in Minnesota
68.15 who is enrolled in a formal, structured course of study, such as a course leading to a higher
68.16 degree in midwifery.
- 68.17 Sec. 22. **[148G.20] VIOLATIONS; PENALTY.**
- 68.18 Subdivision 1. Violations described. It is unlawful for any person, corporation, firm,
68.19 or association to:
- 68.20 (1) sell or fraudulently obtain or furnish any certified midwifery diploma, license, or
68.21 record, or aid or abet therein;

- 68.22 (2) practice certified midwifery under cover of any diploma, permit, license certified
68.23 midwife credential, or record illegally or fraudulently obtained or signed or issued unlawfully
68.24 or under fraudulent representation;
- 68.25 (3) practice certified midwifery unless the person is licensed to do so under this chapter;
- 68.26 (4) use the professional title certified midwife or licensed certified midwife unless
68.27 licensed to practice certified midwifery under this chapter;
- 68.28 (5) use any abbreviation or other designation tending to imply licensure as a certified
68.29 midwife unless licensed to practice certified midwifery under this chapter;
- 68.30 (6) practice certified midwifery in a manner prohibited by the board in any limitation
68.31 of a license issued under this chapter;
- 69.1 (7) practice certified midwifery during the time a license issued under this section is
69.2 suspended or revoked;
- 69.3 (8) knowingly employ persons in the practice of certified midwifery who have not been
69.4 issued a current license to practice as a certified midwife in this state; or
- 69.5 (9) conduct a certified midwifery program for the education of persons to become certified
69.6 midwives unless the program has been approved by the board.
- 69.7 Subd. 2. **Penalty.** Any person, corporation, or association violating any provision of
69.8 subdivision 1 is guilty of a gross misdemeanor and must be punished according to law.
- 69.9 Subd. 3. **Penalty; certified midwives.** In addition to subdivision 2, a certified midwife
69.10 who practices certified midwifery without a current license and certification or recertification,
69.11 or without current certification or recertification on file with the board, is subject to the
69.12 applicable penalties in section 148G.11.
- 69.13 Sec. 23. **[148G.21] UNAUTHORIZED PRACTICE OF MIDWIFERY.**
- 69.14 The practice of certified midwifery by any person who is not licensed to practice certified
69.15 midwifery under this chapter, or whose license has been suspended or revoked, or whose
69.16 national certification credential has expired, is inimical to the public health and welfare and
69.17 constitutes a public nuisance. Upon a complaint being made by the board or any prosecuting
69.18 officer, and upon a proper showing of the facts, the district court of the county where such
69.19 practice occurred may enjoin such acts and practice. The injunction proceeding is in addition
69.20 to, and not in lieu of, all other penalties and remedies provided by law.
- 69.21 Sec. 24. Minnesota Statutes 2022, section 152.12, subdivision 1, is amended to read:
- 69.22 Subdivision 1. **Prescribing, dispensing, administering controlled substances in**
69.23 **Schedules II through V.** A licensed doctor of medicine, a doctor of osteopathic medicine,
69.24 duly licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine,
69.25 a licensed doctor of podiatry, a licensed advanced practice registered nurse, a licensed
69.26 certified midwife, a licensed physician assistant, or a licensed doctor of optometry limited

69.27 to Schedules IV and V, and in the course of professional practice only, may prescribe,
69.28 administer, and dispense a controlled substance included in Schedules II through V of section
69.29 152.02, may cause the same to be administered by a nurse, an intern or an assistant under
69.30 the direction and supervision of the doctor, and may cause a person who is an appropriately
69.31 certified and licensed health care professional to prescribe and administer the same within
69.32 the expressed legal scope of the person's practice as defined in Minnesota Statutes.

70.1 Sec. 25. Minnesota Statutes 2022, section 256B.0625, is amended by adding a subdivision
70.2 to read:

70.3 Subd. 28c. **Certified midwifery practice services.** Medical assistance covers services
70.4 performed by a licensed certified midwife if:

70.5 (1) the service provided on an inpatient basis is not included as part of the cost for
70.6 inpatient services included in the facility payment;

70.7 (2) the service is otherwise covered under this chapter as a physician service; and

70.8 (3) the service is within the scope of practice of the certified midwife's license as defined
70.9 under chapter 148G.

70.10 Sec. 26. **EFFECTIVE DATE.**

70.11 This article is effective July 1, 2025.