

CHAPTER Mid 100 ORGANIZATIONAL RULES

PART Mid 101 PURPOSE

Mid 101.01 Purpose. These rules implement the statutory responsibilities of the New Hampshire Midwifery Council created by RSA 326-D:3.

Source. #7412, eff 12-5-00

PART Mid 102 DEFINITIONS

Mid 102.01 Definitions.

(a) "Active practice" means the practice of midwifery as defined in RSA 326-D:2 V;

(b) "American College of Nurse-Midwives (ACNM)" means the national professional association of certified nurse-midwives and certified midwives.

(c) "Certified midwife (CM)" means an individual who has been designated as a certified midwife by the Certification Council of the ACNM.

(d) "Certified nurse-midwife (CNM)" means a registered nurse who has graduated from a nurse-midwifery education program accredited by the ACNM Division of Accreditation and has passed a national examination to become professionally designated as a CNM by the ACNM Certification Council.

~~[(a)]~~**(e)** "Council" means "council" as defined in RSA 326-D:2, II, namely, "the midwifery council established in RSA 326-D:3".

(f) "Intrapartum" means the period from the onset of labor to its termination with the delivery of the placenta;

(g) "Medical backup" means specific arrangements for on call coverage with another midwife or licensed health care provider whose scope of practice includes birth;

~~[(b)]~~**(h)** "Midwifery" means "midwifery" as defined in RSA 326-D:2, V, namely, "the practice, by persons other than physicians or surgeons licensed under RSA 329, nurses registered under RSA 326-B, or physician's assistants licensed under RSA 328-D, of:

(1) Providing the necessary supervision, care and advice to women during pregnancy, labor and the postpartum period;

(2) Conducting vaginal deliveries on the midwife's own responsibility, and caring for the newborn and the infant; such care to mother and child to include preventive measures, the detection of abnormal conditions, the procurement of medical assistance, and the execution of emergency measures in the absence of medical help; and

(3) Consulting with a physician whenever there are significant deviations from normal or whenever there is a medical emergency in either the mother or the infant."

(i) “Neonatal resuscitation program (NRP)” means an educational program that introduces the concepts and basic skills of neonatal resuscitation.

(j) “Postpartum” means occurring after childbirth;

(k) “Prenatal” means during the period of time between conception and the onset of labor.

[Source.](#) #7412, eff 12-5-00

PART Mid 103 DESCRIPTION OF THE COUNCIL AND COUNCIL MEETINGS

Mid 103.01 Composition of the Council. The council consists of 6 members appointed [pursuant to, and] meeting the eligibility requirements of, RSA 326-D:3, I.

[Source.](#) #7412, eff 12-5-00

Mid 103.02 Responsibilities of the Council. The council’s responsibilities include, but are not limited to:

(a) Establishing qualifications for certification to practice midwifery, renewal of certification, and [recertification after lapse] **reinstatement** of certification;

~~[(b) Issuing certificates to practice midwifery;~~

~~—(c) Establishing fees for the examination of applicants and for certification and renewal of certification;~~

~~[(d)](b) Defining the scope of practice and procedures for the practice of midwifery in accordance with RSA 326-D:5, I(c);~~

~~[(e) Regulating the practice of midwifery through necessary investigations, disciplinary proceedings and disciplinary action; and]~~ **(c) Disciplinary actions conduct in accordance with RSA 326-H:16**

~~[(f) Reporting to the commissioner of health and human services concerning the practice of midwifery.]~~

(d) Continuing education of licensees and the criteria for the approval of continuing education programs;

(e) Ethical and professional standards for the practice of licensees; and

(f) Any other matters necessary for the proper administration of RSA 326-D

[Source.](#) #7412, eff 12-5-00

Mid 103.03 Council Meetings and Quorum.

(a) Pursuant to RSA 326-D:3, IV the council shall meet no fewer than 4 times a year and at such additional times as the council chair or a majority of the council members shall designate.

(b) ~~[Pursuant to RSA 326-D:3, IV the]~~ A quorum required for council meetings ~~[is 4 members]~~ **shall be as described in Plc 200.**

[Source.](#) #7412, eff 12-5-00

~~[Mid 103.04 Ineligibility of Council Members to Vote On Certain Matters and Participate in Certain Deliberations.~~

~~— (a) A council member shall not be eligible to vote on, or participate in the council's deliberations about, matters pertaining to:~~

~~(1) The member's own application for initial or renewal certification or recertification; and~~

~~(2) Any matter in which the member has a personal, professional, or financial interest including, but not limited to, any matter involving:~~

~~a. The member;~~

~~b. The member's spouse, parent, child or business partner; or~~

~~c. A business investment of the member.~~

~~— (b) Under the circumstances described in paragraph (a) the council member shall:~~

~~(1) Promptly disclose to the council his or her interest; and~~

~~(2) Recuse himself or herself from voting on, and participating in council deliberations about, the matter.]~~

[Source.](#) #7412, eff 12-5-00

~~[Mid 103.05 Attendance at Meetings By Members of the Public. Pursuant to RSA 91-A:2, II, members of the public may attend and record council meetings, except for those parts of the meetings which are nonpublic sessions as defined in RSA 91-A:3.]~~

[Source.](#) #7412, eff 12-5-00

~~[Mid 103.06 Notice of Meetings.~~

~~— (a) Notice of the time and place of council meetings, excluding emergency meetings, shall be given in accordance with RSA 91-A:2, II.~~

~~— (b) Information about the time and place of council meetings shall also be available by telephone at the number stated in Mid 104.01 (b).]~~

[Source.](#) #7412, eff 12-5-00

Mid 103.07 Minutes of Council Meetings.

- (a) Minutes shall be kept of council meetings and of official actions taken by the council.
- (b) Such minutes shall:
 - (1) Record the members participating in each vote; and
 - (2) Separately record the position of members who dissent, abstain, or concur.

Source. #7412, eff 12-5-00

PART Mid 104 PUBLIC REQUESTS FOR INFORMATION

Mid 104.01 Office Location and Mailing Address, Telephone Number, and Number for TTY Users.

- (a) The council's office location and mailing address is:

Office of Professional Licensure and Certification
NH Midwifery Council
[Philbrook Building
121 South Fruit Street] **7 Eagle Square**
Concord, NH 03301

- (b) The council's telephone number is (603) 271-[0602] **2152**.

(c) [Access for TTY users is through R] **The TDD access number is relay** [New Hampshire by calling 711] **NH 1-800-735-2964** .

Source. #7412, eff 12-5-00; ss by #12039, eff 11-10-16

Mid 104.02 Communication with the Council. **Persons wishing to make submissions to the council shall do so through the Office of Professional Licensure and Certification at the address provided in Mid 104.01(a).**

~~[(a) Persons wishing to make submissions to, or requests of, the council may mail a letter to the address stated in Mid 104.01(a), call the number stated in Mid 104.01 (b) or communicate by TTY using the number stated in Mid 104.01(c).~~

~~—(b) Persons seeking information from the council may do so by mail, telephone or TTY as described in paragraph (a).]~~

Source. #7412, eff 12-5-00

Mid 104.03 [Public] **Requests for Information and Access to Records.** **Any individual who wishes to request information or access to council records shall do so in accordance with Plc 103.01.**

~~[(a) Pursuant to RSA 91-A:4 members of the public may inspect and copy those records of the council, including meeting minutes, which are public records and not exempt from disclosure under RSA 91-A:5 or other applicable law.~~

~~—— (b) Public records shall be inspected and copied at the office of the council at the location stated in Mid 104.01(a) during regular business hours.~~

~~—— (c) Persons desiring copies of public records shall reasonably describe the information being sought and pay the actual cost of the copies.~~

~~—— (d) If records re requested which contain both public and confidential information, the council shall delete the confidential information and provide the remaining information.]~~

Source. #7412, *eff 12-5-00*