

Readopt with amendment Mid 401.01, effective 6/13/23 (Document #13611), to read as follows:

CHAPTER Mid 400 CONTINUED STATUS

PART Mid 401 DEFINITIONS

Mid 401.01 Definitions. In this part, the following terms shall have the following meanings:

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

~~[(b)]~~**(a)** "Contact hour" means a unit of measure of continuing professional education or professional activity;

~~[(c)]~~**(b)** "Continuing professional education or activity" means structured courses, activities, and experiences beyond entry-level professional preparation that are designed to provide advanced or enhanced knowledge in the field of midwifery;

~~[(d)]~~**(c)** "Distance-learning" means participation in continuing education described in Mid 405.02 through self-study online computer courses and correspondence courses;

~~[(e)]~~ "Intrapartum" means the period from the onset of labor to its termination with the delivery of the placenta;]

~~[(f)]~~**(d)** "Maternal mortality" means death of the client during pregnancy or within 6 weeks of birth;

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

~~[(h)]~~**(e)** "Midwifery-related field" means any of the following fields: women's health, maternal-newborn nursing, counseling, nutrition, pregnancy, childbirth, postpartum care, breastfeeding, newborn care, pharmacology, herbology, and homeopathy;

~~[(i)]~~**(f)** "Neonatal mortality" means fetal demise at or after 20 weeks' gestation or death of the baby up to 6 weeks of age. The term includes "fetal mortality";

~~[(j)]~~ "Neonatal resuscitation program (NRP)" means a course of study in the prevention and treatment of neonatal respiratory depression which is cosponsored by the American Academy of Pediatrics and the American Heart Association;]

~~[(k)]~~**(g)** "Peer review" means the confidential presentation in a meeting of at least 3 midwives of a midwifery case of educational value with respect to medical, obstetrical, gynecological, psychosocial, or neonatal matters, together with a confidential discussion about the case; and

~~[(l)]~~**(h)** "Significant morbidity" means an illness, injury, or morbidity to the newborn or mother up to 6 weeks after birth, which is or is not captured by hospitalization, that is directly related to pregnancy, birth, or postpartum.

Readopt with amendment Mid 402.01 and Mid 402.02, effective 11/10/16 (Document #12040), to read as follows:

PART Mid 402 RENEWAL [~~AND LAPSE OF CERTIFICATES~~] **OF CERTIFICATES**

Mid 402.01 [~~Term of Certificates; Lapse~~] **Procedure for Renewal of Certificates.**

(a) [~~An initial or renewed certificate to practice midwifery shall be valid for 2 years if application for its renewal is made timely and completely in accordance with these rules.~~] **Any midwife wishing to renew a certificate shall do so in accordance with Plc 308.09 through Plc 308.12.**

[(b) Pursuant to RSA 326-D:11, if a renewal application is made timely and completely, the certificate to be renewed shall not lapse until the council has taken final action upon the application.

— (c) If a renewal application is not made timely and completely and therefore the midwifery council cannot take action on it before the expiration date of the certificate to be renewed:

(1) The certificate to be renewed shall lapse; and

(2) The midwife shall not practice until:

a. The certificate has been reinstated pursuant to Mid 403; or

b. The midwife has been newly certified in accordance with the procedures and eligibility standards set out in Mid 300.]

(b) **The midwife wishing to renew their license shall submit to the Office of Professional Licensure and Certification (OPLC):**

(1) The **“Universal Application for License Renewal”** specified in Diet 402.03(a);

(2) The “Midwifery Addendum to the Universal Application for License Renewal” specified in Mid _____;

(3) The documents described in _____; and

[(2)](3) The renewal fee **required by Plc 1001.08 and Plc 1002.30.**

Mid 402.02 Eligibility for Renewed Certificate. The [~~midwifery council~~] **Office of Professional Licensure and Certification (OPLC)** shall issue a renewed certificate to practice midwifery if the applicant:

(a) Has complied with the renewal application process of Mid 402.03;

(b) Has completed the continuing education required by Mid 405 within the 26-month period just preceding the date of expiration shown on the certificate being renewed and has not had any of such continuing education credited to a previous application for renewal;

(c) Has participated in at least 6 peer reviews within the 2-year period since issuance of the certificate being renewed, including at least one in which the applicant presented a case for peer review;

(d) Is currently certified by the American Heart Association or the American Red Cross in adult and infant and child cardiopulmonary resuscitation;

(e) Holds a current certificate as a provider of neonatal resuscitation which shows that the applicant has successfully completed at least the following modules of the NRP course:

- (1) Introduction to the program;
- (2) Initial steps in resuscitation;
- (3) Use of a resuscitation bag and mask; and
- (4) Chest compressions;

(f) Has not been convicted of a crime involving theft or physical or emotional injury to others;

(g) Has no mental or physical condition that might discredit the renewal applicant as a midwife, or prevent the renewal applicant from meeting the requirements of RSA 326-D and the midwifery council's administrative rules;

(h) Has made arrangements for medical back-up to support the renewal applicant's practice; and

(i) Has made arrangements for:

- (1) Prenatal laboratory testing;
- (2) Newborn metabolic screening; and
- (3) Any necessary administration of Rh(D) immune globulin.

Repeal Mid 402.03 and Mid 402.04, effective 11/10/16 (Document #12040), as follows:

~~[Mid 402.03—Application Process for Certificate Renewal. Any midwife wishing to renew a certificate shall submit the following materials to the midwifery council no later than 30 days before the date of expiration shown on the certificate being renewed:~~

- ~~—(a) The completed renewal application form provided by the midwifery council;~~
- ~~—(b) The supporting documentation described in Mid 402.07; and~~
- ~~—(c) The renewal fee specified by Mid 306.03.~~

~~Mid 402.04 Application Review and Notification Procedure.~~

~~—(a) Upon receipt of an application for certificate renewal the midwifery council shall:~~

- ~~(1) Review the application form and supporting documentation for legibility and completeness;~~
- ~~(2) Determine whether additional information or documentation is required to clarify the application or determine whether the applicant meets the qualifications for certificate renewal; and~~

~~(3) Notify the applicant in writing within 20 days of any deficiencies in the application or the council's need for additional information or documentation.~~

~~— (b) An application for certificate renewal shall be deemed complete on the date the midwifery council has received the materials required by Mid 402.03 and any additional materials requested under (a) (3) above.~~

~~— (c) If the application is complete by the expiration date of the certificate being renewed, the midwifery council shall:~~

~~(1) Issue a renewed certificate showing the date of its expiration, after ascertaining that the check in payment of the renewal fee has cleared; or~~

~~(2) Advise the renewal applicant in writing of:~~

~~a. Its intent to deny renewal of certification and reimburse any renewal fee already paid; and~~

~~b. The renewal applicant's right to challenge the midwifery council's intent to deny renewal certification through a hearing pursuant to Mid 200.~~

~~— (d) A renewal applicant who has received notice of the midwifery council's intent to deny renewal of certification shall have the right to challenge the council's intent through a due process hearing if the applicant requests such a hearing within 60 days.~~

~~— (e) All applications for certificate renewal shall be kept as part of the permanent records of the midwifery council.]~~

Readopt with amendment and renumber Mid 402.05, effective 11/10/16 (Document #12040), as Mid 402.03 to read as follows:

Mid 402.0[~~5~~]**3** Applications and Form for Renewal of Certificate.

~~[(a) An applicant for renewal of certification shall:~~

~~(1) Complete the "Renewal of Midwifery Certificate" application form, effective 10/2016, furnished by the midwifery council electronically or legibly in ink;~~

~~(2) Complete all sections of the renewal application form or designate them as not applicable;~~

~~(3) Date the renewal application form; and~~

~~(4) Sign the renewal application form in compliance with (b) below.~~

~~— (b) An applicant for renewal of certification shall:~~

~~(1) Place his or her signature below the following statement preprinted on the renewal application form:~~

"The information provided on the renewal application form and the documentation provided to support the renewal application are, to the best of my knowledge and belief, true, accurate, complete and unaltered. I acknowledge that, pursuant to RSA 641:3, the knowing making of a false statement on the renewal application form is punishable as a misdemeanor"; and

(2) Place the date next to his or her signature.]

(a) Each applicant for certification to practice midwifery in the state of New Hampshire shall complete and submit the "Universal Application for License Renewal" required by Plc 308.5(b)(1).

(b) In addition to the application required by (a), above, the applicant for certification renewal shall provide on the "Midwifery Addendum to the Universal Application for License Renewal" yes or no to the question "Have you completed 20 hours of continuing education described in Mid 405 within the 26-month period just preceding the date of expiration shown on the certificate being renewed and have not had any of the continuing education credited to a previous application for renewal.

(c) Completed the "Health Professions Survey" as follows:

(1) Pursuant to RSA 126-A:5, XVIII-a (a) and RSA 330-C:9-a, licensees shall complete, as part of their renewal application, the New Hampshire division of public health service's Health Professions Survey, "New Hampshire Alcohol and Drug Counselor Licensure Survey", pursuant to He-C 801.03, issued by the state office of rural health and primary care, department of health and human services.

(2) The council shall provide licensees with the opportunity to opt out of the survey. Written notice of the opt-out opportunity shall be provided with the renewal application. Licensees may access the opt out form on the NH state office of rural health and primary care and the council's website.

(3) Licensees choosing to opt-out of the survey shall complete, sign, and return the "New Hampshire Health Professions Survey Opt-Out Form", pursuant to He-C 801.03, to the state office of rural health and primary care, department of health and human services, via one of the following:

a. Mail;

b. Email;

c. Electronic; or

d. Fax.

(4) Information contained in the opt-out forms shall be kept confidential in the same accord with the survey form results, pursuant to RSA 126-A:5 XVIII-a(c).

Repeal Mid 402.06, effective 11/1016 (Document #12040), as follows:

~~[Mid 402.06 Effect of Signature. The effect of the signature required by Mid 402.05 (b) shall be that the applicant for renewal of certification:~~

~~— (a) States that, to the best of his or her knowledge and belief, the information provided on the renewal application form and the documentation provided to support the renewal application are accurate, complete and unaltered; and~~

~~— (b) Acknowledges that, pursuant to RSA 641:3, the intentional making of a false statement on the renewal application form is punishable as a misdemeanor.]~~

Readopt with amendment and renumber Mid 402.07, effective 11/10/16 (Document #12040), as Mid 402.04 to read as follows:

Mid 402.0~~7~~⁴ Documentation Required to Support an Application for Renewal of Certificate. Applicants for certificate renewal shall submit the following:

~~(a) Documentation in accordance with Mid 406 of the completion of 20 contact hours of continuing education;~~

(b) A statement for each peer review in which the renewal applicant either participated or presented a case for review since the applicant was last issued an initial or renewal certificate, containing the following information:

- (1) The renewal applicant's name;
- (2) The date of the peer review meeting;
- (3) The name of the midwife presenting the midwifery case for peer review;
- (4) The topic of the case presented for peer review;
- (5) Whether attendance was recorded in minutes of the peer review meeting; and
- (6) If attendance was not recorded in minutes of the meeting, the names of at least 2 other participating midwives;

(c) A copy or copies of:

- (1) The front and back of the renewal applicant's current certificate in basic life skills for healthcare providers issued by the American Heart Association; or
- (2) The front and back of the renewal applicant's current certificate in adult cardiopulmonary resuscitation issued by the American Red Cross and of the renewal applicant's current certificate in infant and child cardiopulmonary resuscitation issued by the American Red Cross;

(d) A copy of the front and back of the applicant's current NRP provider card; and

(e) If applicable, ~~[a notarized affidavit disclosing criminal convictions occurring since the applicant last submitted an application for initial or renewal certification]~~ **a detailed description of the yes answer**

Commented [TK1]: Do you want this or have the question on the application and audit a percentage of the licensees CE requirements?

to any affirmative answer to the questions, described in Plc 308.06(e), on the “Universal Application for License Renewal”.

Readopt with amendment Mid 403.10, effective 11/10/16 (Document #12040), to read as follows:

PART Mid 403 REINSTATEMENT OF CERTIFICATION

Mid 403.01 Definitions. In Mid 403 the following terms have the following meanings:

~~[(a) “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;~~

~~— (b) “Prenatal” means during the period of time between conception and the onset of labor;~~

~~— (c) “Postpartum” means occurring after childbirth;]~~

~~[(d)](a) "Primary midwife" means the midwife:~~

~~(1) With whom the client contracts to provide care; and~~

~~(2) Who assumes primary responsibility for the health of the mother, the fetus, and the newborn; and~~

~~[(e) “Regulating” means certifying or licensing by a state which oversees its midwives.]~~

Mid 403.02 ~~[Recertification]~~ After Expiration of a Certificate.

(a) ~~[The midwifery council shall reinstate a certificate after its lapse:~~

~~(1) In accordance with Mid 403.03 if the certificate expired:~~

~~a. No more than 90 days before the application for recertification; and~~

~~b. The certificate lapsed when the midwife failed to apply timely and completely for renewal because of one of the hardships listed in Mid 403.03(a);~~

~~(2) In accordance with Mid 403.04 if the midwife's certificate has been expired for no more than 3 consecutive years and the midwife is unable to meet the requirements of Mid 403.03; and~~

~~(3) In accordance with Mid 403.06 if the midwife's certificate has been expired for more than 3 consecutive years but fewer than 12 consecutive years.]~~

If a midwifery certification has lapsed for nonrenewal for no more than 1 year the midwife wishing to have their certification reinstated shall submit to the OPLC:

(1) A completed “Universal Application for License Renewal” required by Plc 308.5(b)(1);

(2) Documentation in accordance with Mid 406 of the completion of 20 contact hours of continuing education;

(3) A statement for each peer review in which the renewal applicant either participated or presented a case for review since the applicant was last issued an initial or renewal certificate, containing the following information:

a. The renewal applicant's name;

b. The date of the peer review meeting;

c. The name of the midwife presenting the midwifery case for peer review;

d. The topic of the case presented for peer review;

e. Whether attendance was recorded in minutes of the peer review meeting; and

f. If attendance was not recorded in minutes of the meeting, the names of at least 2 other participating midwives;

(4) A copy or copies of:

a. The front and back of the renewal applicant's current certificate in basic life skills for healthcare providers issued by the American Heart Association; or

b. The front and back of the renewal applicant's current certificate in adult cardiopulmonary resuscitation issued by the American Red Cross and of the renewal applicant's current certificate in infant and child cardiopulmonary resuscitation issued by the American Red Cross;

(5) A copy of the front and back of the applicant's current NRP provider card;

(6) If applicable, a detailed description of the yes answer to any affirmative answer to the questions, described in Plc 308.06(e), on the "Universal Application for License Renewal"; and

(7) The renewal fee required by Plc 1001.08 and Plc 1002.30.

~~[(b) The midwifery council shall not reinstate a certification expired for more than 12 years.~~

~~—(c) A person whose certificate has been expired for more than 12 years shall be re-admitted to the practice of midwifery only if:~~

~~(1) He or she meets the standards for initial certification based on:~~

~~a. The qualifications set forth in Mid 303; or~~

~~b. Reciprocity as set forth in Mid 305; and~~

~~(2) Follows the application procedures set forth in Mid 302.]~~

(b) If a midwifery certification has lapsed for nonrenewal for more than 1 year the midwife wishing to obtain certification shall complete the requirements as described in Mid 302 and in addition to any requirements for initial licensure submit:

(1) Documentation in accordance with Mid 406 of the completion of 20 contact hours of continuing education;

(c) If the midwife has let their license lapse for more than one year and has been out of the practice for

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Repeal Mid 403.03, effective 11/10/16 (Document #12040), as follows:

~~[Mid 403.03 Recertification After Maximum 90 Day Lapse of Certificate Because of Hardship. The midwifery council shall reinstate a certificate expired no more than 90 days if:~~

~~— (a) The failure to apply timely and completely for renewal of recertification resulted from one of the following circumstances of hardship:~~

~~(1) Illness or injury sufficiently serious to prevent the midwife from engaging in his or her usual work for at least 2 consecutive weeks;~~

~~(2) Illness in the midwife's household or in the midwife's immediate family sufficiently serious to prevent the midwife from engaging in his or her usual work for at least 2 consecutive weeks;~~

~~(3) Death in the midwife's household or of a member of her immediate family;~~

~~(4) Active military duty; or~~

~~(5) The destruction by fire, flood, or other accidental or natural disaster of:~~

~~a. Continuing education records; or~~

~~b. Other materials required by Mid 402.07 to be submitted with a renewal application;~~

~~— (b) The midwife is eligible under Mid 402.02 for renewal of certification; and~~

~~— (c) The midwife, within 90 days immediately following the expiration of the certificate:~~

~~(1) Completes the renewal process set forth in Mid 402.03; and~~

~~(2) Makes a written request for recertification based on one of the reasons set forth in (a) above.]~~

Repeal Mid 403.04 through Mid 403.06, effective 11/10/16 (Document #12040), as follows:

~~[Mid 403.04 Recertification of Midwives When the Certificate Has Been Expired for No More Than 3 Consecutive Years.~~

~~— (a) For midwives not eligible for recertification under Mid 403.03, the midwifery council shall reinstate a certificate if the applicant for recertification:~~

- ~~(1) Meets the recency of practice requirement set forth in (b) below;~~
- ~~(2) Complies with the maintenance of competence requirements set forth in (c) below;~~
- ~~(3) Is prepared for practice as required by (d) below; and~~
- ~~(4) Follows the application procedures set forth in (e) below.~~

~~— (b) The recency of practice requirement shall be:~~

- ~~(1) The expiration of the New Hampshire certificate no more than 3 years preceding the application for recertification; or~~
- ~~(2) The practice of midwifery in another state regulating the practice of midwifery within the 3 years just preceding the application for recertification.~~

~~— (c) Maintenance of competence requirements shall be:~~

- ~~(1) Completion of the continuing education required by Mid 405 within the 24 months just preceding the application for recertification; and~~
- ~~(2) Participation in at least 6 peer reviews within the 24 months just preceding the application for recertification.~~

~~— (d) Preparation for practice requirements shall consist in:~~

- ~~(1) Current certification by the American Heart Association or the American Red Cross in adult cardiopulmonary resuscitation and in infant and child cardiopulmonary resuscitation;~~
- ~~(2) Current certification as a provider of neonatal resuscitation who has successfully completed at least the following modules of the NRP course:
 - ~~a. Introduction to the program;~~
 - ~~b. Initial steps in resuscitation;~~
 - ~~c. Use of a resuscitation bag and mask; and~~
 - ~~d. Chest compressions;~~~~
- ~~(3) No conviction of a crime involving theft or physical or emotional injury to others since the midwife was last certified;~~
- ~~(4) No mental or physical condition that might prevent her or him from meeting the requirements of RSA 326-D and the midwifery council's administrative rules;~~
- ~~(5) Having current arrangements for medical back-up to support her or his midwifery practice; and~~

~~(6) Having current arrangements for:~~

- ~~a. Prenatal laboratory testing;~~
- ~~b. Newborn metabolic screening; and~~
- ~~e. Any necessary administration of Rh(D) immune globulin.~~

~~(e) Application procedures shall be:~~

~~(1) Submission of the completed recertification application form described in Mid 403.05; and~~

~~(2) Submitting, or arranging for the submission of, the following materials:~~

~~a. If the recertification applicant practiced in another state regulating the practice of midwifery during the lapse of the New Hampshire certificate:~~

~~1. A photocopy of the front and back of each license or certificate authorizing the practice of midwifery issued by such other state, whether or not still in effect; and~~

~~2. An official letter of verification sent directly to the council from each such state indicating whether:~~

~~i. The authorization is or was, during its period of validity, in good standing; and~~

~~ii. Any disciplinary action taken against the applicant;~~

~~b. Documentation in accordance with Mid 406 of the completion of 20 contact hours of continuing education within the 24 months just preceding the application for recertification;~~

~~c. A statement for each peer review in which the midwife, within 24 months just preceding the submission of the application for recertification, either participated in the review or presented a case for review, including;~~

~~1. The midwife's name;~~

~~2. The date of the peer review meeting;~~

~~3. The name of the midwife presenting the midwifery case for peer review;~~

~~4. The topic of the case presented for peer review;~~

~~5. Whether attendance was recorded in minutes of the peer review meeting; and~~

~~6. If attendance was not recorded in minutes of the meeting, the names of at least 2 other participating midwives;~~

d. A copy of:

1. The front and back of the midwife's current cardiopulmonary resuscitation certificate, known as basic life skills for healthcare providers, issued by the American Heart Association; or
2. The front and back of the midwife's current certificate in adult cardiopulmonary resuscitation issued by the American Red Cross together with the midwife's current certificate in infant and child cardiopulmonary resuscitation issued by the American Red Cross;

e. A copy of the front and back of the midwife's current NRP provider card; and

f. If applicable, a notarized affidavit disclosing criminal convictions occurring since the midwife was last certified.

~~Mid 403.05 Application Form for Recertification After Lapse of the Certificate to Practice Midwifery.~~

~~(a) An applicant for recertification after lapse of his or her certificate shall:~~

- ~~(1) Legibly complete the "Recertification After Lapse of the Certificate to Practice Midwifery" application form, effective 10/2016, furnished by the midwifery council;~~
- ~~(2) Complete all sections of the recertification application form or designate them as not applicable;~~
- ~~(3) Date the recertification application form; and~~
- ~~(4) Sign the recertification application form in accordance with (b) below.~~

~~(b) An applicant for recertification shall:~~

- ~~(1) Place his or her signature below the following statement preprinted on the recertification application form:~~

~~"The information provided on the recertification application form and the documentation provided to support the recertification application are, to the best of my knowledge and belief, true, accurate, complete and unaltered. I acknowledge that, pursuant to RSA 641:3, the knowing making of a false statement on the recertification application form is punishable as a misdemeanor"; and~~

- ~~(2) Place the date next to the signature.~~

~~(c) The effect of the signature shall be that the applicant for recertification:~~

- ~~(1) States that, to the best of his or her knowledge and belief, the information provided on the recertification application form and the documentation provided to support the recertification application are accurate, complete and unaltered; and~~

(2) Acknowledges that, pursuant to RSA 641:3, the knowing making of a false statement on the recertification application form is punishable as a misdemeanor.

~~Mid 403.06 Recertification of Midwives Ineligible for Recertification Under Mid 403.04. For midwives not eligible for recertification under Mid 403.04 because they do not meet the recency of practice requirements of Mid 403.04(b), the midwifery council shall reinstate a certificate if the applicant for recertification:~~

~~(a) Has been provisionally certified pursuant to Mid 403.07; and~~

~~(b) Within 78 weeks of having been provisionally certified has met the supervised midwifery practice requirements set forth in Mid 403.08 and Mid 403.09.]~~

Mid 403.07 Provisional Certification.

Commented [TK3]: Not sure what to do with this.

(a) The council shall provisionally certify a midwife who:

- (1) Has met the eligibility requirements of Mid 403.04(a);
- (2) Has completed the application process set forth in Mid 403.04(b);
- (3) Has updated his or her skills by:
 - a. Performing the observations described in (b) below; or
 - b. Gaining the practice experience described in (c) below; and
- (4) Has, within 30 days of updating his or her skills as required by (3) above, documented the observations or practice experience in accordance with (d) below.

(b) Observation to update skills:

- (1) Shall consist in:
 - a. The observation of at least 2 out-of-hospital births attended by a New Hampshire certified midwife, a CNM, or a midwife authorized to practice in another state regulating the practice of midwifery; and
 - b. The observation of at least 2 sets of client visits by a New Hampshire certified midwife, a CNM or a midwife authorized to practice in another state regulating the practice of midwifery:
 1. Each set consisting in at least 2 prenatal visits and one postpartum visit; and
 2. At least one of the sets consisting in visits with the client whose out-of-hospital birth was also observed; and
- (2) Shall be performed once for every year or part of a year that the New Hampshire certificate has been expired, provided that the total number of observations shall not exceed 6.

(c) Practice experience to update skills:

- (1) Shall consist in acting, under licensure, certification, or other authorization, as the primary midwife for a client located in another state regulating the practice of midwifery; and
- (2) Shall be performed once for every year or part of a year that the New Hampshire certificate has been expired provided that the total number of practice experiences shall not exceed 6.

(d) Documentation of the updating of skills shall be:

(1) If the updating of skills is through observation as described in (b) above, for each observation a letter signed by the midwife being observed or by the midwife's client, stating:

- a. The kind of visit observed;
- b. The date of the observation;
- c. For the midwife observed:
 1. His or her name; and
 2. The state and number of his or her certificate, license or other authorization to practice midwifery;
- d. The client's name, if the client agrees to its use for this purpose; and
- e. The town and state of the out-of-hospital birth; and

(2) If the updating of skills is through practice experience as described in (c) above, for each instance of acting as the primary midwife:

- a. A photocopy of the certificate, license, or other authorization to practice issued by the state in which he or she acted as primary midwife; and
- b. A letter signed by the client, stating:
 1. The client's name;
 2. The town and state of the out-of-hospital birth; and
 3. The beginning and ending dates of the midwife's care for the client.

(e) A provisional certificate shall be valid for no more than 78 weeks from the date of its issuance.

Source. #9089, eff 2-20-08, EXPIRED: 2-20-16

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 403.08 Practice by a Provisionally Certified Midwife.

(a) A provisionally certified midwife shall practice:

- (1) Only under supervision; and
- (2) Only as long as the provisional certificate is valid.

(b) A provisionally certified midwife seeking full recertification shall:

- (1) While provisionally certified, complete the supervised practice required by (c) and (d) below;
- (2) Before beginning such supervised practice, and each time that he or she has a new supervisor, submit to the midwifery council the signed supervisor's letter described in Mid 403.09(d); and
- (3) After completion of the supervised practice, submit to the midwifery council proof of such completion in accordance with (e) below.

(c) A provisionally certified midwife shall act as the primary midwife:

- (1) For the number of New Hampshire clients determined in accordance with (d) below; and
- (2) Do so under the supervision described in Mid 403.09.

(d) The number of New Hampshire clients for which a provisionally certified midwife shall act as the primary midwife shall be as follows:

- (1) A minimum of one client for every 5-year period or fraction of a 5-year period, provided that a total of 6 clients shall be sufficient, if the provisionally certified midwife practiced midwifery in another state regulating the practice during the period the New Hampshire certificate was expired; or
- (2) The following number of clients, if the provisionally certified midwife did not practice midwifery in another state during the period the New Hampshire certificate was expired:
 - a. At least one client if, before the expiration of the New Hampshire certificate, the midwife had practiced in New Hampshire for 4 years or more; and
 - b. At least 2 clients if, before the expiration of the New Hampshire certificate, the midwife had practiced in New Hampshire for fewer than 4 years.

(e) As proof of having completed the required supervised practice, a provisionally certified midwife shall submit to the midwifery council:

- (1) A signed and dated letter reporting for each instance in which the provisionally certified midwife acted as the primary midwife:
 - a. The name of the client;

- b. The address of the client;
 - c. The beginning and ending dates of the period during which he or she acted as the primary midwife; and
 - d. The name of the supervising midwife;
- (2) A written statement that the supervised practice as in compliance with Mid 403.08 and Mid 403.09; and
- (3) If the midwife acted as the primary midwife for the number of clients called for by (d)(1) above, a written statement:
- a. Describing the extent of his or her out-of-state practice; and
 - b. Including his or her other-state license or certificate number(s).

Source. #9089, eff 2-20-08, EXPIRED: 2-20-16

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 403.09 Supervision of Midwifery Practiced by a Provisionally Licensed Midwife.

(a) Supervision of a provisionally licensed midwife fulfilling the supervised practice requirements of Mid 403.08 shall be by a midwife who is a:

- (1) Currently certified New Hampshire midwife; or
- (2) Currently certified CNM with a practice consisting of out-of-hospital births.

(b) A supervisor shall be present and intervene as necessary during:

- (1) Each out-of-hospital birth; and
- (2) During all other contacts between the provisionally licensed midwife and the client.

(c) A supervisor shall assume primary responsibility for:

- (1) The health of the mother, the fetus, and the newborn; and
- (2) The provisionally certified midwife's compliance with Mid 500.

(d) Before beginning to supervise a provisionally certified midwife, each supervisor shall provide the provisionally certified midwife with a signed letter including:

- (1) The supervisor's name and address;
- (2) The supervisor's:

- a. New Hampshire certificate number and date of expiration; or
 - b. CNM certificate number and date of expiration;
- (3) If the supervisor is a CNM, the statement that her or his practice consists of out-of-hospital births; and
- (4) The statement that she or he is familiar with the requirements of Mid 403.08 and Mid 403.09 and will comply with them.

Source. #9089, eff 2-20-08, EXPIRED: 2-20-16

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

PART Mid 404 REVOCATION, SUSPENSION, AND OTHER SANCTIONS

Repeal Mid 404.01, effective 11/10/16 (Document #12040), as follows:

~~[Mid 404.01 Definitions. In Mid 404 the following terms shall have the following meanings:~~

- ~~— (a) "Private reprimand" means a written reprimand of a midwife by the midwifery council; and~~
- ~~— (b) "Public reprimand" means a written reprimand of a midwife by the midwifery council together with notification to New Hampshire certified midwives of such reprimand.]~~

Readopt with amendment and renumber Mid 404.02 through Mid 404.05, effective 11/10/16 (Document #12040), as Mid 404.01 and Mid 404.05 to read as follows:

Mid 404.0[2]1 Misconduct. **Misconduct shall be:**

~~[(a) Pursuant to RSA 326-D:8, II, misconduct shall be:]~~

~~[(1) The practice of fraud or deceit in procuring or attempting to procure certification;]~~

(a) Knowingly or negligently providing inaccurate material information to the council or failing to provide complete and truthful material information upon inquiry by the council or the OPLC, including during the process of applying for a license, license renewal, or license reinstatement;

~~[(2)](b) Conviction of any crime demonstrating unfitness to practice midwifery[, as further set forth in (b) below;] **such as, but not limited to, crimes involving:**~~

(1) Theft;

(2) Injury to others;

(3) Physical or emotional exploitation of others; and

(4) Violence towards others

(c) Failure to report to the council a conviction described in (b) above within 30 days;

[(3)](d) Demonstrable gross incompetence of the certificate holder, as evidenced by a violation of Mid 500 resulting in harm to the mother, the fetus, or the newborn;

[(4)](e) Addiction to the use of alcohol or other habit-forming drugs to a degree which renders the certificate holder unfit to practice;

[(5)](f) A legal finding of mental incompetence;

(g) Disciplinary action by a regulatory authority in another domestic or foreign jurisdiction;
or

[(6)](h) Willful or repeated violation of:

(1) Any provision of RSA 326-D; [and]

(2) Any rule adopted by the council; or

(3) Any state or federal law reasonably related to the licensee's authority to practice or the licensee's ability to practice safely.

[(7) Suspension or revocation without subsequent reinstatement of certification in another jurisdiction.]

— (b) Crimes demonstrating unfitness to practice midwifery shall be crimes involving theft, injury to others, physical, or emotional exploitation of others and violence towards others.]

Mid 404.0[3]2 Sanctions.

(a) [Pursuant to RSA 326-D:8, III, d] **D**isciplinary measures available to the council to sanction misconduct shall be:

[(1) Revocation of certification;]

[(2) Public or private:] **(1) Reprimand by written waring, which shall remain on record for a period of no less than 3 years;**

(3) Suspension[, limitation, or restriction of certification, as further set forth in (b) below; and] **of license, not to exceed 5 years;**

(4) Require participation in continuing education program especially in an area the midwife is found to be deficient;

(5) Revocation of certification; or

(4) ~~[The assessment]~~ **Imposition** of administrative fines ~~[in amounts not exceeding \$2,000 per offense, or in the case of a continuing offense, \$250 for each day the violation continues]~~ **up to \$1,500 for each offense.**

~~[(b) Suspension, limitation and restriction of certification shall include:~~

~~(1) Suspension of certification for a specified period of time, the period to be determined in accordance with Mid 404.05;~~

~~(2) Suspension of certification pending the achievement of specified competence requirements, specified continuing education, or specified clinical experience;~~

~~(3) Suspension of certification pending successful participation in:~~

~~a. A specified mental or physical health treatment program;~~

~~b. A specified rehabilitative program;~~

~~c. Specified counseling;~~

~~d. A specified professional assistance program; or~~

~~e. Any other program designed to overcome the deficiency or condition in the certificate holder which appears to have caused the misconduct; and~~

~~(4) The requirement that another midwife currently certified by the council supervise the practice of the certificate holder for a specified period of time, the period to be determined in accordance with Mid 404.05.]~~

(b) Additional measures available to the council to sanction misconduct shall be denial of license renewal or reinstatement.

Mid 404.0[4]3 Procedure for Imposition of Sanctions. Other than the immediate suspension of certification authorized by RSA 541-A:30, III, the council shall impose disciplinary sanctions only:

(a) After prior notice to the certificate holder ~~[in accordance with Mid 207.01]~~ and the opportunity for the certificate holder to be heard; or

(b) By agreement in a settlement between the council and the certificate holder ~~[made pursuant to Mid 213].~~

Mid 404.0[5]4 Determinations Required for Sanctions.

(a) In determining which sanction or combination of sanctions to impose, the council shall:

(1) First determine the nature of the act or omission constituting the misconduct done by the certificate holder;

(2) Next determine whether the misconduct has one or more of the characteristics listed in (b) below; and

(3) Finally, apply the standards in [~~(e)~~below] **Mid 404.05**.

(b) The characteristics shall be:

- (1) The misconduct actually caused physical or mental harm to the mother or the newborn;
- (2) The misconduct had the potential to cause physical or mental harm to the mother or the newborn;
- (3) The misconduct repeated earlier misconduct done by the certificate holder, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on the same misconduct by the certificate holder; or
 - c. An admission by the certificate holder;
- (4) The misconduct was not the first misconduct by the certificate holder, as determined by:
 - a. An earlier hearing;
 - b. An earlier settlement agreement predicated on misconduct by the certificate holder; or
 - c. An admission by the certificate holder; and
- (5) The misconduct was intentional rather than the result of negligence or inadvertence.

[~~(e)~~ The council shall select appropriate sanction(s):]

Mid 404.05 Standards for the Selection of Sanctions. The council shall select appropriate sanction(s):

[~~(+)~~](a) From the list in Mid 404.0[3]2; and

[~~(2)~~](b) By choosing, in light of the characteristics determined pursuant to **Mid 404.04(b)** above, the sanction **or combination of sanctions** most likely to:

[~~a.~~](1) Protect public health and safety;

[~~b.~~](2) Prevent future misconduct by the certificate holder;

[~~e.~~](3) Take into account any acknowledgement of fault by the certificate holder and any cooperation by the certificate holder with the council's investigation of misconduct;

[~~d.~~](4) Correct any attitudinal, educational, or other deficiencies which led to the misconduct of the certificate holder;

[~~e.~~](5) Encourage the responsible practice of midwifery; and

~~[(6)]~~ Demonstrate to the certificate holder and the public the council's intention to insure that those certified by the council practice in accordance with applicable law and the public welfare.

~~[(d) When imposing an administrative fine pursuant to Mid 404.03(a)(4), the council shall determine the amount of the fine by applying the standards in (e)(2) above.]~~

Adopt Mid 404.06 to read as follows:

Mid 404.06 Unauthorized Practice. When the council determines that one of the following measures is likely to be the most effective way to stop unauthorized practice the council shall:

(a) Issue a cease and desist order against the person or entity engaged in the unauthorized practice; or

(b) Seek an injunction against such person or entity.

PART Mid 405 CONTINUING EDUCATION

Mid 405.01 Continuing Education Requirements.

(a) For eligibility to renew certification a midwife shall complete continuing education requirements by completing 20 contact hours of continuing education per renewal period in accordance with (b)-(d) below.

(b) Continuing education activities shall improve or maintain a midwife's professional competence in midwifery as defined in Mid 102.01(b).

(c) Unless otherwise specified in Mid 405, at least 12 of the 20 contact hours shall be earned through participation in academic or other courses, classes, seminars, workshops, distance learning courses, or journal study described in Mid 405.02.

(d) Any contact hours not earned in accordance with (c) above shall be earned through participation in the following activities in midwifery-related fields:

- (1) Informal independent study, as further described in Mid 405.03;
- (2) Publication of the midwife's own writing, as further described in Mid 405.04;
- (3) Public professional presentations, as further described in Mid 405.05;
- (4) Teaching midwifery, as further described in Mid 405.06;
- (5) Participation in the work of midwifery-related professional councils or committees and participation in the work of midwifery-related governmental regulatory agencies, as further described in Mid 405.07; or
- (6) Product development, as further described in Mid 405.08.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 405.02 Participation in Courses, Classes, Seminars, Workshops, Distance Learning Courses and Journal Study.

(a) The council shall recognize as continuing education a midwife's completion of any academic or other courses, classes, seminars, workshops, and distance learning:

- (1) In a midwifery-related field; and
- (2) Accredited or given by an academic institution or other entity which is accredited by:
 - a. Midwives Education Accreditation Council;
 - b. Middle States Association of Colleges and Schools;
 - c. New England Association of Schools and Colleges;
 - d. North Central Association of Colleges and Schools;
 - e. Northwest Commission on Colleges and Universities;
 - f. Southern Association of Colleges and Schools;
 - g. Western Association of Schools and Colleges;
 - h. American College of Nurse-Midwives;
 - i. Accreditation Council for Continuing Medical Education;
 - j. National League for Nursing Accrediting Commission;
 - k. American Nurses Credentialing Center's Commission on Accreditation;
 - l. Commission on Continuing Education of the New Hampshire Nurses Association;
 - m. National Certification Corporation of Obstetrical, Gynecological, and Neonatal Nursing;
 - n. American Academy of Nurse Practitioners;
 - o. International Childbirth Education Association;
 - p. International Board of Lactation Consultants Examiners;
 - q. National Board for Certified Counselors;

- r. American Dietetic Association;
- s. The American Association of Nurse Practitioners; or
- t. Any other entity approved by the council.

(b) The midwifery council shall credit the midwife with completing any academic courses taken at an academic institution with one contact hour for each clock hour of coursework, provided that it shall credit a maximum of 12 contact hours for a single academic course.

(c) The midwifery council shall credit the midwife with completing any courses, classes, seminars, workshops, and distance learning courses other than academic courses taken at an academic institution with the contact hours attributed to them by the sponsor or provider, provided that it shall credit a maximum of 12 contact hours for a single such course, class, seminar, workshop, or distance learning course.

(d) The midwifery council shall recognize as continuing education a midwife's journal study in a midwifery-related field provided that the journal study is:

- (1) Accredited, sponsored, or provided by an academic institution or other entity accredited by one of the organizations listed in (a)(2) above; and
- (2) Requires:
 - a. Reading a journal article in a midwifery-related field;
 - b. Completing a test on the article;
 - c. Submitting the test for scoring by the journal study program sponsor or provider; and
 - d. Receiving a certificate from the journal study program sponsor or provider which meets the requirements of Mid 406.01(c).

(e) The midwifery council shall credit the midwife with the contact hours attributed to the journal study by its sponsor or provider.

[Source.](#) #8840, eff 3-13-07, EXPIRED: 3-13-15

[New.](#) #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

[New.](#) #12040, eff 11-10-16; amd by #12660, eff 11-5-18

Mid 405.03 [Informal Independent Study.](#)

(a) The midwifery council shall recognize informal independent study in midwifery as continuing education.

(b) Informal independent study shall include:

- (1) Reading midwifery-related books and journals;

(2) Viewing midwifery-related videotapes, digital video discs, or live streaming video programs; and

(3) Listening to audio recordings.

(c) The midwifery council shall credit the midwife with one contact hour for every 2 clock hours of informal independent study, to a maximum of 4 contact hours, provided that the midwife writes a report of the major theses of the book, journal, videotape, or digital video disc.

[Source.](#) #8840, eff 3-13-07, EXPIRED: 3-13-15

[New.](#) #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

[New.](#) #12040, eff 11-10-16

Mid 405.04 Publication of Midwife's Writing Related to Midwifery.

(a) The midwifery council shall recognize as continuing education the publication of writing related to midwifery written in part or in whole by the midwife, including the publication of books, chapters of books, and articles, provided that no more than 2 publications shall be credited during any licensing renewal period.

(b) For the publication or co-publication of a book the midwifery council shall:

(1) Credit the midwife with 12 contact hours; and

(2) Require that only 8 of the required 20 contact hours shall be earned through participation in academic or other courses, classes, seminars, workshops, or distance learning courses described in Mid 405.02.

(c) For the publication or co-publication of a chapter of a book or an article the midwifery council shall credit the midwife with 4 contact hours.

[Source.](#) #8840, eff 3-13-07, EXPIRED: 3-13-15

[New.](#) #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

[New.](#) #12040, eff 11-10-16

Mid 405.05 Public Professional Presentations Relating to Midwifery.

(a) The midwifery council shall recognize a midwife's public professional presentations relating to midwifery as continuing education.

(b) The midwifery council shall credit the midwife with 2 contact hours for each clock hour of a public presentation, to a maximum of 4 contact hours, provided that, if the midwife gives substantially the same public presentation more than once, the council shall credit the midwife for only a single presentation.

[Source.](#) #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 405.06 Teaching Midwifery.

(a) The midwifery council shall recognize as continuing education a midwife's teaching a midwifery course at:

- (1) A college or university accredited by an accreditor listed in Mid 405.02(a)(2); or
- (2) A conference or other event:
 - a. Offering contact hour credit for the course taught; and
 - b. Approved by an accreditor listed in Mid 405.02(a)(2).

(b) The midwifery council shall credit the midwife with 2 contact hours for each clock hour of teaching, to a maximum of 4 contact hours, provided that, if the midwife gives substantially the same course more than once, the council shall credit the midwife for only a single presentation of the course.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 405.07 Participation in the Work of Midwifery-Related Professional Boards or Committees and Participation in the Work of Midwifery-Related Governmental Regulatory Agencies.

(a) The midwifery council shall recognize as continuing education the participation by a midwife in the work of midwifery-related professional boards or committees and participation by a midwife in the work of midwifery-related governmental regulatory agencies.

(b) The midwifery council shall credit the midwife with 2 contact hours for each board, committee or governmental regulatory agency served, to a maximum of 4 contact hours.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 405.08 Product Development.

(a) The midwifery council shall recognize as continuing education the development, co-development or re-development of a product related to midwifery, provided that the product is distributed or disseminated by a manufacturer, distributor, publisher, or government agency.

(b) The midwifery council shall credit the midwife for the development, co-development, or re-development of substantially the same product only once.

(c) The midwifery council shall credit the applicant with 4 contact hours for the development, co-development, or redevelopment of a product described in (a) above, to a maximum of 4 contact hours.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

PART Mid 406 DOCUMENTATION OF CONTINUING EDUCATION

Mid 406.01 Participation in Courses, Classes, Seminars, Workshops, Distance Learning Courses and Journal Study. Documentation of participation in courses, classes, seminars, workshops, and distance learning courses as described in Mid 405.02 shall be:

(a) For academic courses:

- (1) A photocopy of an official transcript showing the date of the course and its successful completion;
- (2) Either the description of the course copied from the institution's catalogue or the course syllabus; and
- (3) The midwife's written statement of the number of hours that the midwife participated in the course;

(b) For all other courses, classes, seminars, workshops, and distance learning courses, a photocopy of a certificate or other confirmation of attendance or participation showing:

- (1) The midwife's name;
- (2) The name of the course, class seminar, or workshop;
- (3) The name of the accrediting agency from the list in Mid 405.02(a)(2);
- (4) The beginning and end dates(s) of the course, class, seminar, workshop, or distance learning course; and
- (5) The number of contact hours credited by the provider or sponsoring entity; and

(c) For journal study, a photocopy of a certificate provided by the journal study program sponsor or provider showing:

- (1) The midwife's name;
- (2) The name of the journal study program;
- (3) The name of the accrediting agency from the list in Mid 405.02(a)(2);

- (4) The date that the certificate was issued; and
- (5) The number of contact hours credited by the journal study program sponsor or provider.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 406.02 Informal Independent Study.

(a) Documentation of informal independent study shall include:

(1) The applicant's signed written statement setting forth, for each item read or listened to, or videotape or digital video disc viewed:

- a. The title of the item read or viewed;
- b. The author and publisher of the item read or the producer of the item viewed;
- c. The clock hours spent in reading or viewing; and
- d. The date of completion of the reading or viewing; and

(2) The applicant's one-page, double-spaced report, in 12 point Times New Roman font, of the major thesis or theses of the item read or viewed describing how it applies to midwifery.

(b) The effect of the signature required by (a)(1) above shall be to assert the accuracy of the information provided.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 406.03 Publication of Midwife's Writing Related to Midwifery. Documentation of publication of writing related to midwifery written in part or in whole by the midwife shall be any materials showing:

- (a) The title of the writing;
- (b) The date of publication; and
- (c) The applicant's part or full authorship of the published writing.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 406.04 Public Professional Presentations Relating to Midwifery. Documentation of public professional presentations relating to midwifery shall include:

- (a) A copy of the official program of the presentation; or
- (b) Written verification signed by a representative of the program's sponsor showing:
 - (1) The title of the presentation;
 - (2) The name of the midwife as presenter;
 - (3) The date of the presentation;
 - (4) The hours during which the presentation took place; and
 - (5) The type of audience attending the presentation.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 406.05 Teaching Midwifery. Documentation of midwifery teaching shall include:

- (a) The name of the course(s) taught; and
- (b) A letter of confirmation signed by an official of the institution sponsoring the courses.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 406.06 Participation in the Work of Midwifery-Related Professional Boards or Committees and Participation in the Work of Midwifery-Related Governmental Regulatory Agencies.

(a) Documentation of participation in the work of midwifery-related professional boards, professional committees, and governmental regulatory agencies shall include a letter conforming to (b) below and issued by:

- (1) The authority appointing the midwife to the board, committee, or agency; or
 - (2) The board, committee, or agency served by the midwife.
- (b) The letter shall state:
- (1) The appointment to the board, committee, or agency; or

(2) The following information:

- a. The fact of the midwife's participation; and
- b. The beginning and ending dates of the midwife's service.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 406.07 Product Development. Documentation of product development shall be a letter written by a representative of the distributor or disseminator on the letterhead of the distributor or disseminator:

- (a) Describing the product; and
- (b) Acknowledging the midwife as the developer or co-developer.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

PART Mid 407 ONGOING REQUIREMENTS

Mid 407.01 Reporting Significant Morbidity and Mortality.

(a) Significant morbidity shall be reported when hospitalization lasts longer than 48 hours or the illness, injury, or morbidity not captured by hospitalization occurs within 6 weeks of the date of the birth; and

(b) A midwife shall submit a “Significant Morbidity and Mortality Report Form” described in Mid 407.02 to the council through the office of professional licensure and certifications within 10 days of a significant morbidity and mortality incident.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16; ss by #13611, eff 6-13-23

Mid 407.02 Significant Morbidity and Mortality Report Form. When reporting an incident of maternal or neonatal significant morbidity or mortality, a midwife shall provide the following information on the “Significant Morbidity and Mortality Report Form” provided by the midwifery council and available on the councils web site, <https://www.oplc.nh.gov/midwifery-council-forms-and-documents>:

- (a) The name of the midwife;

- (b) The Midwife’s address;
- (c) The Midwife’s phone number;
- (d) The midwife’s certification number;
- (e) The name of the client;
- (f) The client’s address and phone number;
- (g) The client’s date of birth;
- (h) The newborn’s name and date of birth, if applicable;
- (i) The location of the incident of significant morbidity or mortality;
- (j) If the client or newborn was transferred to a hospital:
 - (1) A detailed description of the reason for the transfer of the care of the client or newborn to the hospital;
 - (2) The name and location of the hospital to which the care of the client or newborn was transferred and the phone number of the hospital’s medical records department;
 - (3) The date and time of the call for transportation to the hospital;
 - (4) The date and time the client or newborn arrived at the hospital; and
 - (5) The means of transportation to the hospital;
- (k) A detailed description of the maternal illness, injury, or morbidity, and outcome;
- (l) A detailed description of the newborn’s illness, injury, or morbidity, and outcome;
- (m) A detailed description of any additional significant concerns or information; and
- (n) The midwife’s signature and date of signing.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16; ss by #13611, eff 6-13-23

Mid 407.03 Record of Client Care.

(a) A midwife shall establish and maintain a record of the care provided and the data gathered for each client and newborn.

(b) Each client’s record shall contain the following information, as applicable:

- (1) The client's identification information including:
 - a. Name;
 - b. Address;
 - c. Telephone number;
 - d. Date of birth;
 - e. Marital status;
 - f. Name of spouse or partner, if any; and
 - g. Emergency contact person;
- (2) The client's health history;
- (3) Notes documenting the midwife's actions and guidance during personal and telephone contacts between:
 - a. The client and the midwife; and
 - b. The client's spouse or partner and the midwife;
- (4) The dates and findings of:
 - a. Prenatal care given pursuant to Mid 502.03(a); and
 - b. Extended postpartum care given pursuant to Mid 502.07;
- (5) Results of consultations with physicians or other health care providers;
- (6) Laboratory and diagnostic reports;
- (7) Documentation of all medications administered to the client;
- (8) The signed originals of all forms required by these rules or other law to be signed by the client;
- (9) The name and phone number of the health care provider chosen by the client to care for the newborn;
- (10) Contemporaneously recorded details of the labor, the birth and the immediate postpartum period, annotated with the date and time for each entry;
- (11) The midwife's written summary of the most important facts of the labor, the birth, and the assessment of the newborn; and
- (12) The reasons for any transfer of the client's care.

(c) A midwife shall, with the written consent of the client, provide the newborn's health care provider with a copy of the summary required by (b)(11) above.

(d) A midwife shall retain each client's records for the longer of the following:

(1) A period of 21 years from the date of birth of a baby born while the client was in the care of the midwife; or

(2) A period of 7 years from the date of the midwife's last contact with the client if no baby was born while the client was in the care of the midwife.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 407.04 Maintenance of Practice Data. A midwife shall record and maintain in her records the following practice data:

(a) Each out-of-hospital birth attended as midwife to a client;

(b) Each out-of-hospital birth attended in the capacity of an assistant to another midwife;

(c) Each transfer of a client to the hospital, whether the transfer was made during the intrapartum period or the postpartum period;

(d) Each transfer of a newborn to the hospital; and

(e) Each of the following events, together with the date that the event was reported to the council pursuant to Mid 407.01:

(1) Maternal mortality;

(2) Significant maternal morbidity;

(3) Neonatal mortality; and

(4) Significant neonatal morbidity.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 407.05 Reporting and Other Administrative Requirements. A midwife shall:

(a) Inform the midwifery council of a principal address to which official council communications shall be directed;

- (b) Inform the council of all business addresses where the midwife is practicing;
- (c) Report to the midwifery council within 30 days of any change or abandonment of a principal business address;
- (d) Display the midwife's current midwifery certificate at the midwife's principal place of business, and a copy at any other place of business;
- (e) Inform the midwifery council within 30 days of becoming aware of any:
 - (1) Disciplinary charges pending or disciplinary action taken against the midwife by any licensing authority, medical council, health care facility, or professional midwifery association;
 - (2) Suspension from employment or appointment in a hospital, clinic, or other health care facility;
 - (3) Voluntary surrender by the midwife of a certificate, license, registration or permit to practice midwifery, or other healing art in lieu of facing disciplinary action;
 - (4) Revocation, suspension, or other termination on disciplinary grounds of a professional certificate, license, registration, or permit to practice in a field other than midwifery;
 - (5) Decisions adverse to the midwife made in civil actions or on insurance claims; or
 - (6) Emotional disturbance, mental illness, organic illness, or addictive disorder which impairs the midwife's ability to practice midwifery.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 407.06 Confidentiality of Client Information and Records. A midwife shall hold confidential all communications with a client, information obtained from the client, and the contents of the client's record unless the client has given written consent to the release of such information.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16

Mid 407.07 Compliance with Laws. A midwife shall comply with applicable New Hampshire laws, including but not limited to:

- (a) The requirements of RSA 332-I relating to medical records and patient information;
- (b) Rules of the bureau of vital records regarding the reporting of births;

(c) Rules of the bureau of vital records regarding the reporting of deaths;

(d) The reporting requirements of RSA 132:6, II and any rules relating to prevention of eye inflammation which have been adopted by the commissioner of the department of health and human services; and

(e) The requirements of RSA 132:10-a and RSA 132:10-aa relating to newborn screening tests.

Source. #8840, eff 3-13-07, EXPIRED: 3-13-15

New. #11095, INTERIM, eff 5-12-16, EXPIRED: 11-8-16

New. #12040, eff 11-10-16