



# Texas Department of State Health Services

## Texas Midwifery Board

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H.B. 1535 Truitt, et al. (Shapleigh)

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### Summary

The Legislature created the Texas Midwifery Board (the Board) in 1991, after increasing the scope of regulation of the original Lay Midwifery Board created in 1983, to ensure that safe and quality midwifery services are provided to the citizens of Texas. The Board does this through three primary functions: licensing qualified individuals to practice midwifery in Texas; setting standards relating to the practice of midwifery; and enforcing the Texas Midwifery Act, including investigating and resolving complaints. The Board, through its administrative attachment to the Department of State Health Services, currently licenses about 180 midwives, with a staff of one employee and an annual budget of about \$40,000. The Legislature adopted all of the Sunset Commission's recommendations on the Board. The list below summarizes the major provisions of H.B. 1535, and a more detailed discussion follows.

### Sunset Provisions

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1. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.
2. Change the Statutory Designation of Documented Midwife to Licensed Midwife.
3. Add Greater Representation of Midwives to the Midwifery Board.
4. Continue Regulation of Midwives at the Department of State Health Services for 12 Years.

## Sunset Provisions

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### **1. Conform Key Elements of the Board's Licensing and Regulatory Functions to Commonly Applied Licensing Practices.**

House Bill 1535 includes 12 provisions that bring the Board in line with standard licensing agency practices, including the following.

- Clarifies that the Board must address felony and misdemeanor convictions in the standard manner defined in the Occupations Code.
- Requires applicants to pass a jurisprudence exam as a condition of licensure.
- Requires the Board to provide timely notice of exam results.
- Requires the Board to base delinquent license renewal fees on the normally required renewal fee, and requires midwives whose licenses are delinquent more than one year to reapply for licensure.
- Limits the Board from having rules restricting advertising or competitive bidding by a license holder.
- Requires the Board to include a public member on complaint committees.
- Authorizes the Board to refuse to renew a license as an administrative sanction.
- Increases the Board's maximum administrative penalty to \$5,000 per violation, per day.
- Authorizes the Board to provide for refunds by licensees to the consumer as part of the settlement conference process.
- Authorizes the Board to issue cease-and-desist orders against unlicensed activity.
- Removes authority for Board members to receive payments for attendance at meetings other than reimbursement for travel expenses.
- Clarifies the Board's authority to appoint Board committees, but only composed of Board members.

### **2. Change the Statutory Designation of Documented Midwife to Licensed Midwife.**

Under this provision, all references in the Midwifery Act to a documented midwife change to a licensed midwife. References to documentation also change to licensure.

### **3. Add Greater Representation of Midwives to the Midwifery Board.**

House Bill 1535 increases the number of midwife positions on the Board from three to five by eliminating the certified nurse-midwife and one public member from the Board, and replacing them with two midwife members. The new Board composition includes five midwives; one physician who is a certified obstetrician/gynecologist; one physician who is a certified family practitioner or

pediatrician; and two public members, one of whom is a parent of a child born with the assistance of a midwife. The bill also removes the prohibition against more than one Midwifery Board member being a licensed health care professional by deleting an unclear provision from the Midwifery Act, as all documented midwives are licensed health care professionals.

**4. Continue Regulation of Midwives at the Department of State Health Services for 12 Years.**

This provision continues the Board at the Department of State Health Services for the standard 12-year period.

**Fiscal Implication Summary**

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One provision in House Bill 1535 will have a slight, positive fiscal impact to the State. Eliminating the payments to Midwifery Board members for attending their semi-annual meetings will save \$900 annually, as shown in the five-year chart below.

<i><b>Fiscal Year</b></i>	<i><b>Savings to the General Revenue Fund</b></i>
2006	\$900
2007	\$900
2008	\$900
2009	\$900
2010	\$900

