

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

553R0465

SENATE BILL NO. 96

Introduced by: Senators Rhoden, Bradford, Fryslie, Maher, Nesselhuf, and Schmidt and Representatives Hunt, Brunner, Dennert, Elliott, Feickert, Frerichs, Greenfield, Hoffman, Iron Cloud III, Jensen, Killer, Kirkeby, Kopp, Krebs, Lederman, Noem, Nygaard, Olson (Betty), Schrempp, Sly, Steele, Thompson, Verchio, and Wink

1 FOR AN ACT ENTITLED, An Act to provide for the registration of certified professional
2 midwives.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. For the purposes of this Act, a certified professional midwife is a professional
5 independent midwifery practitioner who has met the standards for certification set by the North
6 American Registry of Midwives.

7 Section 2. A certified professional midwife registered pursuant to this Act may provide the
8 following care:

- 9 (1) Monitoring the physical, psychological, and social well-being of the mother
10 throughout the childbearing cycle;
- 11 (2) Providing the mother with individualized education, counseling and prenatal care,
12 continuous hands-on assistance during labor and delivery, and postpartum support;
- 13 (3) Minimizing technological interventions; and



1 (4) Identifying and referring women who require obstetrical attention.

2 Section 3. No person may practice as a certified professional midwife unless that person is
3 registered with the Department of Health pursuant to this Act. A violation of this section is a
4 Class 2 misdemeanor.

5 Section 4. A certified professional midwife seeking registration under this Act shall
6 complete an application prescribed by the Department of Health. The application shall be
7 submitted to the Department of Health. A registration fee, not to exceed fifty dollars, shall
8 accompany the application and shall be paid to the Department of Health. The fee shall be set
9 by the department by rule promulgated pursuant to chapter 1-26.

10 The registration shall be renewed biennially by payment of a fee, not to exceed one hundred
11 dollars. The fee shall be set by the department by rule promulgated pursuant to chapter 1-26. A
12 registration not renewed by December thirty-first of the year of expiration lapses.

13 Any fee collected pursuant to this section shall be deposited in the general fund.

14 Section 5. The Department of Health shall register a certified professional midwife
15 following the submission of a completed application by an applicant who has received the
16 Certified Professional Midwife credential issued by the North American Registry of Midwives
17 accredited by the National Commission for Certifying Agencies.

18 Section 6. The Department of Health may adopt rules in the following areas:

- 19 (1) Content of applications;
20 (2) Fees for initial registration and renewal; and
21 (3) Renewal of registration.

22 Section 7. A certified professional midwife shall file birth certificates with the Department
23 of Health in accordance with § 34-25-8. Filing a birth certificate known by the certified
24 professional midwife to be fraudulent is a Class 2 misdemeanor.

1 Section 8. The registration of a certified professional midwife may be revoked or suspended
2 upon violation of any section of this Act. All proceedings concerning the revocation or
3 suspension of a registration shall conform to the contested case procedure set forth in chapter
4 1-26.

5 Section 9. Nothing in this Act permits a certified professional midwife to provide services
6 in a hospital licensed pursuant to chapter 34-12 unless the hospital has specifically granted such
7 privileges.

8 Section 10. Nothing in this Act may be construed to apply to any person who is engaged in
9 the practice of his or her profession pursuant to chapter 36-9 or 36-9A.

10 Section 11. That chapter 36-9 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 Nothing in this chapter may be construed as prohibiting the care described in section 2 of
13 this Act, given in the performance of his or her duties, by a certified professional midwife
14 registered pursuant to this Act, so long as the certified professional midwife does not claim to
15 be a registered nurse or licensed practical nurse.

16 Section 12. That chapter 36-9A be amended by adding thereto a NEW SECTION to read
17 as follows:

18 Nothing in this chapter may be construed as prohibiting the care described in section 2 of
19 this Act, given in the performance of his or her duties, by a certified professional midwife
20 registered pursuant to this Act, so long as the certified professional midwife does not claim to
21 be a nurse practitioner or nurse midwife.