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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
CERTIFIED MIDWIVES

Adopted Repeals: N.J.A.C. 13:35-2A.1, 2A.2, 2A.4, 2A.5, 2A.6, 2A.8, 2A.9 and 2A.10

Adopted New Rules: N.J.A.C. 13:35-2A.1 through 2A.5, 2A.7, 2A.8, 2A.10, 2A.11, 2A.12, 2A.15, 2A.16 and 2A.17

Adopted Recodifications with Amendments: N.J.A.C. 13:35-2A.3 as 2A.6, 2A.7 as 2A.9 and 2A.11 as 2A.14

Proposed: October 7, 2002 at 34 N.J.R. 3433(a).

Adopted: January 8, 2003 by the State Board of Medical Examiners, William V. Harrer, MD, President.

Filed: April 28, 2003 as R.2003 d.210, without change.

Authority: N.J.S.A. 45:9-2 and 45:10-22.

Effective Date: May 19, 2003.

Expiration Date: September 20, 2004.

Summary of Hearing Officer's Recommendations and Agency Responses:

A public hearing on proposed repeals, new rules and amendments to N.J.A.C. 13:35-2A was held on October 25, 2002 at Robert Wood Johnson University Hospital at Hamilton, One Hamilton Health Place, Hamilton, NJ. William V. Harrer, MD, presided over the hearing. A copy of the transcript of the public hearing is available by contacting the Board of Medical Examiners (the Board) office at PO Box 183, Trenton, New Jersey 08625-0183, (609) 826-7100. The hearing officer considered all written and oral testimony on the proposal and recommended that the Board adopt the proposal without amendment.

The Board considered the recommendation of the hearing officer and all of the public comments. The Board concluded that it should follow the hearing officer's recommendation and has adopted the proposed new and amended rules.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the requirements of the adopted amendments, repeals and new rules.

Full text of the adopted amendments and new rules follows:

SUBCHAPTER 2A. LIMITED LICENSES: MIDWIFERY

<< NJ ADC 13:35-2A.1 >>

13:35-2A.1 Midwifery practice

(a) The rules in this subchapter are intended to protect the health and safety of the public through licensure of midwives, pursuant to N.J.S.A. 45:10-1 et seq.

(b) This subchapter prescribes standards for midwifery licensure and for the renewal, suspension or revocation of that licensure.

<< NJ ADC 13:35-2A.2 >>

13:35-2A.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Affiliated physician" means a person who holds a plenary license to practice medicine and surgery in New Jersey, issued by the Board, who adheres to clinical guidelines with a licensed midwife.

"Board" means the New Jersey State Board of Medical Examiners.

"Certified midwife (CM)" means a person who is not a registered nurse and who holds certification from the American College of Nurse Midwives Certification Council (ACC) or its successors.

"Certified nurse midwife (CNM)" means a person who is a registered nurse and who holds certification from the American College of Nurse Midwives (ACNM) or the ACC or their successors.

"Certified professional midwife (CPM)" means a person who holds certification from the North American Registry of Midwives (NARM) or its successor.

"Clinical guidelines" means a written agreement, signed by both the licensee and the affiliated physician, which sets forth patterns of care and which provides for consultation, collaboration, management and referral as indicated by the health status of a woman receiving care from a licensee.

"Committee" means the Midwife Liaison Committee of the New Jersey State Board of Medical Examiners.

"Licensee" means any person who holds a license from the Board to practice as a midwife.

<< NJ ADC 13:35-2A.3 >>

13:35-2A.3 Midwifery Liaison Committee

(a) The Midwifery Liaison Committee shall consist of eight members who shall serve as consultants to the Board and who shall be appointed by the Board. The Committee shall include at least one certified nurse midwife, at least one certified professional midwife, at least one certified midwife, and two other midwives, all of whom shall hold licensure from the Board. The Committee shall also include one certified nurse midwife who is a member of the Board and two physicians, one of whom shall be a member of the Board of Medical Examiners and one of whom shall be Board-certified by either the American Board of Obstetrics and Gynecology, the American Osteopathic Board of Obstetrics and Gynecology or any other certification organization with comparable standards.

(b) The Board shall appoint each member for a term of three years. Committee members may be reappointed.

(c) Functions of the Committee shall include the following:

1. Advising and assisting the Board in the evaluation of applicants for midwifery licensure and certified nurse midwife applicants for prescriptive authorization;
2. Investigating complaints against licensees and unlawful conduct by licensees;

3. Approving professional education programs; and

4. Advising and assisting the Board in drafting and reviewing rules to govern midwifery practice.

<< NJ ADC 13:35-2A.4 >>

13:35-2A.4 Application for licensure

(a) An applicant for licensure as a midwife shall submit to the Committee:

1. A completed application for licensure requesting information regarding the applicant's address, telephone number, date of birth and social security number;
2. Proof that the applicant is 18 years old or older;
3. An official transcript from a midwifery program, accredited by the American College of Nurse Midwives (ACNM) or the Midwifery Education Accreditation Council (MEAC), or their successors;
4. A notarized copy of Certification from either ACNM, ACC, NARM, or their successors;
5. The applicant's curriculum vitae;
6. Three photographs of the applicant, signed, dated and notarized; and
7. The application fee pursuant to N.J.A.C. 13:35-6.13(a)6i.

(b) Once the applicant has been approved, he or she shall submit the initial license fee pursuant to N.J.A.C. 13:35-6.13(a)6iv.

<< NJ ADC 13:35-2A.5 >>

13:35-2A.5 Independent practice

(a) Certified nurse midwife and certified midwife practice shall include the provision of maternity care and well woman care within a health care system which provides for consultation, referral and collaboration, and:

1. For licensees without prescriptive authority, administering or dispensing those medications listed in the clinical guidelines; or
2. For licensees with prescriptive authority pursuant to N.J.A.C. 13:35- 2A.14, prescribing, ordering, administering or dispensing medications.

(b) Certified nurse midwives and certified midwives shall conduct their practice pursuant to standards set forth by the ACNM in Standards for the Practice of Nurse Midwifery (1993), as amended and supplemented, available from the American College of Nurse-Midwives, 818 Connecticut Ave., Suite 900, Washington, DC 20006, which is incorporated herein by reference as part of this rule.

(c) Certified professional midwife practice shall include the provision of maternity care within a health care system which provides for consultation, referral and collaboration with a licensed physician and the administration or dispensing of those medications listed in the clinical guidelines.

(d) Certified professional midwives shall conduct their practice pursuant to standards set forth by the NARM in the Midwifery Model of Care (2000), as amended and supplemented, available from North American Registry of Midwives, 5257 Rosestone Drive, Lilburn, GA 30047, which is incorporated herein by reference as part of this rule.

<< NJ ADC 13:35-2A.6 >>

13:35-2A.6 Affiliated physicians; clinical guidelines

(a) Prior to beginning practice as a midwife, a licensee shall enter into an affiliation with a physician who is licensed in New Jersey and who:

1. Holds hospital privileges in operative obstetrics/gynecology;
2. Has a binding agreement with a physician who holds operative privileges in operative obstetrics/gynecology; or
3. Holds hospital privileges in gynecology, if a licensee limits his or her practice to non-obstetrical.

(b) The licensee shall establish written clinical guidelines with the affiliated physician which outlines the licensee's scope of practice.

(c) The clinical guidelines shall set forth:

1. An outline of routine care;
2. Procedures the licensee will perform or provide;
3. Procedures to follow if one of the risk factors from N.J.A.C. 13:35- 2A.9 and 2A.11 are encountered;
4. The circumstances under which consultation, collaborative management, referral and transfer of care of women between the licensee and the affiliated physician are to take place, and the manner by which each is to occur;
5. If the licensee is a certified nurse midwife with prescriptive authority pursuant to N.J.A.C. 13:35-2A.12, a formulary listing the categories of drugs, which may include controlled dangerous substances, the certified nurse midwife may order, prescribe, administer or dispense;
6. If the licensee does not hold prescriptive authority pursuant to N.J.A.C. 13:35-2A.14, a list of all medications the licensee may dispense or administer pursuant to the directions of the affiliated physician;
7. A mechanism for determining the availability of the affiliated physician, or a substitute physician, for consultation and emergency assistance or medical management when needed; and
8. The manner by which emergency care for newborns will be provided.

(d) Prior to beginning practice, a licensee shall file with the Board a notice identifying the affiliated physician, the physician's telephone number and business address and the effective date of the clinical guidelines. In the event of any change of affiliated physician, the licensee shall notify the Board in writing within 30 days of the change.

(e) Clinical guidelines shall be made available to the Board upon request.

(f) The clinical guidelines shall include provisions for periodic conferences with the affiliated physician for review of patient records and for quality improvements.

(g) A licensee who practices without establishing clinical guidelines with an affiliated physician commits professional misconduct as proscribed by N.J.S.A. 45:1-21(e).

<< NJ ADC 13:35-2A.7 >>

13:35-2A.7 Biennial renewal

(a) A license shall be renewed every two years.

(b) When renewing a license, the licensee shall submit to the Board:

1. A completed renewal form; and
2. The biennial registration fee pursuant to N.J.A.C. 13:35-6.13(a)6v.

<< NJ ADC 13:35-2A.8 >>

13:35-2A.8 Antepartum management

(a) A licensee's scope of practice during antepartum stages includes:

1. Ordering medical, therapeutic and diagnostic measures in accordance with clinical guidelines; and
2. Identifying women with medical, obstetrical or gynecological risk factors outlined in N.J.A.C. 13:35-2A.9.

<< NJ ADC 13:35-2A.9 >>

13:35-2A.9 Management of antepartum women at increased risk

(a) A licensee may participate in the management of antepartum patients at increased risk under the following conditions:

1. The affiliated physician and licensee shall have agreed to include the woman at increased risk in the caseload;
2. The affiliated physician and licensee shall have established and documented a management plan for all women identified as at increased risk, which shall delineate the role of both the affiliated physician and the licensee in the care of the woman. The management plan shall set forth the following:
 - i. Frequency of physician visits;
 - ii. Timing of indicated diagnostic and evaluative procedures;
 - iii. Specific parameters for consultation; and
 - iv. A proposed plan for the birth, including the type, place and provider.
3. The management plan shall be reviewed periodically by the licensee and the affiliated physician and revised when necessary.

(b) The following are risk factors that require management as outlined in (a) above:

1. Maternal health status:
 - i. Acute and/or chronic hypertension;
 - ii. Congenital or acquired heart disease;
 - iii. Anti-phospholipid syndrome;
 - iv. HIV positive or AIDS;
 - v. Chronic renal disease;
 - vi. Seizure disorder requiring medications;
 - vii. Chronic anemia and/or hemoglobinopathy;

- viii. Diabetes mellitus;
- ix. Drug addiction;
- x. Psychosis;
- xi. Asthmatic on daily oral medication;
- xii. Any connective tissue disorder;
- xiii. Multiple sclerosis;
- xiv. History of cerebrovascular accident; or
- xv. History of cancer.

2. Maternal reproductive health history:

- i. Incompetent cervix;
- ii. Two or more second or third trimester fetal losses;
- iii. Preterm labor and/or delivery;
- iv. Parity of six or more;
- v. Previous cesarean delivery;
- vi. Surgery involving the uterine wall;
- vii. Previous placental abruption;
- viii. Previous postpartum blood transfusion;
- ix. Previous cervical surgeries including Loop Electrosurgical Excision Procedures (LEEP), cone biopsies or three or more surgical cervical dilations; or
- x. Intra-uterine growth restriction and/or delivery of an infant weighing less than 2,500 grams at 36 weeks or more.

3. Current maternal obstetrical status:

- i. Obstructive uterine myomata;
- ii. Polyhydramnios or oligohydramnios;
- iii. Isoimmunization;
- iv. Multiple gestation;
- v. Intrauterine growth restriction;
- vi. Current evidence of fetal chromosome disorder confirmed by amniocentesis and/or congenital anomaly;
- vii. Gestational diabetes;
- viii. Maternal age less than 14 years or more than 40 years;

- ix. PAP smear indicating dysplasia;
- x. Placenta previa;
- xi. Medicated pre-term labor; or
- xii. Preeclampsia.

<< NJ ADC 13:35-2A.10 >>

13:35-2A.10 Intrapartum management

(a) A licensee's scope of practice during intrapartum stages includes:

1. Managing labor and birth for women not classified as being at increased risk pursuant to N.J.A.C. 13:35-2A.11, in accordance with clinical guidelines;
2. Performing immediate screening of the newborn and resuscitation of the newborn when necessary. The licensee shall refer newborns with acute medical conditions to a physician trained in the care of a newborn;
3. Performing an episiotomy;
4. Repairing first and second degree episiotomies and lacerations; and
5. Using local anesthesia.

(b) Every licensee shall ensure that at the birth site:

1. There is a person who is certified in Basic Life Support (BLS) and in Neonatal Resuscitation Program (NRP) by the American Academy of Pediatrics; and
2. The following equipment is present:
 - i. Oxygen;
 - ii. A neonatal bag and mask;
 - iii. An adult oxygen mask;
 - iv. Suction equipment;
 - v. IV fluids; and
 - vi. Oxytoxics.

(c) In addition to the tasks outlined in (a) above, a Certified Nurse Midwife (CNM) or Certified Midwife (CM) may:

1. Repair third degree lacerations upon the direction of the affiliated physician;
2. Repair fourth degree lacerations under the direct supervision of a physician who has hospital obstetrical privileges; and
3. Administer pudendal anesthesia in a licensed healthcare facility, which includes birthing centers. No licensee shall administer pudendal anesthesia in any other setting.

<< NJ ADC 13:35-2A.11 >>

13:35-2A.11 Management of intrapartum women at increased risk

(a) If a woman receiving care from a licensee evidences any of the following conditions, the licensee shall only participate in the birth if it takes place in a licensed hospital:

1. Pre-term labor less than 37 weeks. If pre-term labor is less than 34 weeks, an affiliated physician shall be present at the birth;
2. Premature rupture of membranes more than 24 hours before onset of regular contractions;
3. Assessment of infant weight less than 2,500 grams or more than 4,500 grams;
4. Vaginal birth after previous cesarean delivery;
5. The need for prescriptive medication to induce or augment labor;
6. Post-datism (greater than 42 weeks completed gestation);
7. Multiple gestation;
8. Malpresentation; or
9. Evidence of chorioamnionitis.

(b) If a woman receiving care from a licensee evidences the following during the intrapartum phase the licensee shall arrange for the presence of an affiliated physician at the hospital; or, if the woman is not in a hospital, arrange for the immediate transfer of the woman to a hospital obstetric unit:

1. Development of hypertension or preeclampsia;
2. Non-reassuring fetal heart pattern, unresponsive to conservative measures;
3. Prolapse of cord;
4. Intrapartum hemorrhage;
5. Multiple gestation;
6. Malpresentation; or
7. Any condition requiring operative intervention.

<< NJ ADC 13:35-2A.12 >>

13:35-2A.12 Postpartum care

(a) A licensee's scope of practice during the postpartum stage includes:

1. Assessment and treatment; and
2. Contraceptive services.

<< NJ ADC 13:35-2A.13 >>

13:35-2A.13 Well woman care

(a) A certified nurse midwife or certified midwife may provide well woman care throughout the life cycle which shall include:

1. Gynecological and primary health care screening, assessment and treatment; and
2. Contraceptive services.

<< NJ ADC 13:35-2A.14 >>

13:35-2A.14 Prescriptive authorization

(a)-(b) (No change.)

(c) A CNM who is authorized to prescribe drugs may prescribe only those drugs which are categorized in the formulary of drugs established in the clinical guidelines.

(d) A CNM's authorization to prescribe drugs, medicine, or devices may, upon notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and 52:14F-1 et seq., be revoked or otherwise limited by the Board if the CNM:

1. Fails to maintain current licensure and registration with the Board;
2. Fails to maintain certification in good standing with the ACNM or ACC, or their successors;
3. Uses prescriptive authorization for other than therapeutic purposes; or
4. Uses prescriptive authorization to prescribe substances or devices not included in the formulary of drugs established in the CNM's clinical guidelines.

(e) Prescriptions written by a CNM shall conform to the dictates of N.J.S.A. 45:14-14 et seq. and N.J.A.C. 13:35-7.2.

<< NJ ADC 13:35-2A.15 >>

13:35-2A.15 Limited ultrasound examination

(a) A licensee who has completed a course as required in (b) below may perform a limited ultrasound examination. For purposes of this section, "limited ultrasound" shall mean the use of ultrasound to assess any of the following: fetal number, fetal cardiac activity, fetal position and presentation, placental location, amniotic fluid parameters, biophysical profile parameters, uterine position, uterine size, the number and size of early gestational sac and the presence and length of embryonic poles.

(b) A licensee who wishes to perform limited ultrasound shall complete a 12- hour course given by a college or university accredited by an accrediting association recognized by the U.S. Department of Education or an organization which grants ACNM, American College of Obstetrics and Gynecology (ACOG), American Osteopathic Association (AOA) or American Medical Association- Physicians Recognition Award (AMA-PRA) category one continuing education credits.

(c) Limited ultrasound course instruction shall include:

1. Ultrasound instrumentation;
2. Accountability of the licensee;
3. Components of informed consent;
4. Principles of anatomy and physiology relevant to limited ultrasound examinations;

5. Elements of antepartum and intrapartum fetal surveillance;

6. Components of ultrasound examination:

i. Fetal number;

ii. Fetal cardiac activity;

iii. Fetal position and presentation;

iv. Placental location;

v. Amniotic fluid evaluation; and

vi. Biophysical profile parameters;

7. Components of gynecological ultrasound examination:

i. Identification of uterine position;

ii. Evaluation of uterine size;

iii. Assessment of number, size and location of early gestational sac(s) and presence and length of embryonic pole(s); and

iv. Recognition of early fetal cardiac activity; and

8. Formulation of a plan of care based on assessments made, including the need for consultation, referral and follow-up.

(d) A licensee who intends to perform limited ultrasound examinations pursuant to (a) above shall amend the clinical guidelines to include circumstances when the licensee may perform limited ultrasound examinations.

<< NJ ADC 13:35-2A.16 >>

13:35-2A.16 Colposcopies

(a) A CNM or CM who has completed a course as required by (b) below and clinical experience required by (c) below may perform colposcopies for the purposes of evaluating and diagnosing abnormal cervical findings.

(b) A CNM or CM who wishes to perform colposcopies shall complete a 20-hour colposcopy course, given by a college or university accredited by an accrediting association recognized by the U.S. Department of Education or given by an organization recognized by either the American Society of Colposcopy and Cervical Pathology, the American College of Obstetrics and Gynecology, the American College of Nurse Midwives or the National Association of Nurse Practitioners in Reproductive Health.

(c) A CNM or CM who intends to perform colposcopies independently shall first complete 50 colposcopies under the supervision of a CNM or CM who has met the requirements of this section or an individual who has received education and training substantially similar to that required by this section.

(d) A CNM or CM who has successfully completed a colposcopy course shall maintain a certificate from the sponsor of the colposcopy course indicating that the CNM or CM has completed the course.

(e) A CNM or CM who intends to perform colposcopy pursuant to (a) above shall amend the clinical guidelines to include circumstances when the midwife may perform colposcopy.

13:35-2A.17 Circumcisions

(a) A licensee who has completed a course as required by (b) below and clinical experience as outlined in (c) below may perform circumcisions.

(b) A licensee who intends to perform circumcisions shall complete a course given by a licensed physician or licensed midwife who has privileges to perform circumcisions in a licensed health care facility. The circumcision course shall include:

1. The theory of circumcisions, including the procedure's benefits and risks, and alternatives to the procedure;
2. Providing informed consent to the parents;
3. Indications and contraindications for circumcision; and
4. Potential complications.

(c) Prior to performing any circumcisions independently as permitted by this section, the licensee shall observe five circumcisions and perform 20 circumcisions under the direct supervision of a licensed physician or a midwife qualified to perform independently pursuant to this section. For purposes of this subsection, "direct supervision" means the presence of, and observation of the procedure by, a licensed physician, or midwife qualified to perform circumcisions, in the location where the circumcision is being performed.

(d) A licensee who intends to perform circumcisions pursuant to (a), (b) and (c) above shall maintain, as part of the licensee's records, documentation which indicates that the licensee has met the education requirements of (b) and (c) above.

(e) A licensee who intends to perform circumcisions pursuant to (a), (b) and (c) above shall amend the clinical guidelines to include circumstances when the licensee may perform circumcisions.