

OREGON HEALTH LICENSING AGENCY,

BOARD OF DIRECT ENTRY MIDWIFERY

DIVISION 20

LICENSURE

332-020-0000

License Issuance and Renewal; ~~Reactivation~~

(1) LICENSING: A licensee is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a license, and provisions regarding authorization to practice, identification, and requirements for issuance of a duplicate license.

~~(1) **LICENSING:** Licensees are subject to the provisions of OAR 331-030-0010 regarding the issuance and renewal of a license, and to the provisions of 331-030-0000 and 331-030-0020 regarding authorization to practice, identification, and requirements for issuance of a duplicate authorization.~~

~~(2) **RENEWAL:** License renewal must be made in advance of the license expiration date by submitting the following:~~

~~(a) Renewal application form;~~

~~(b) Payment of required license renewal fee;~~

~~(c) Evidence of continuing education and peer review as required in subsection 3 of this rule, OAR 332-020-0010 and 332-025-0020(2);~~

~~(d) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation; and~~

~~(e) Evidence of required education in approved legend drugs and devices as prescribed in OAR 332-015-0070 and subsection 3 of this rule.~~

~~(3) **CONTINUING EDUCATION ATTESTATION:** Applicants for license renewal must submit the completed renewal form, with their signature affixed as attestation to completion of required continuing education hours. Documentation of continuing education hours earned must be provided to the agency only when selected for audit. Refer to OAR 332-020-0015.~~

~~(4) Any license that is not renewed prior to the license expiration date will automatically revert to inactive status.~~

~~(5) **REACTIVATION:** Direct entry midwives may reactivate a license within three years from date of expiration by submitting the following:~~

~~(a) Re-activation application form;~~

~~(b) Payment of required application, reactivation and license fees pursuant to OAR 332-020-0020;~~

~~(c) Continuing education and peer review as required in OAR 332-020-0010 and 332-025-0020(2);~~

~~(d) Evidence of required education in approved legend drugs and devices as provided in OAR 332-015-0070;~~

~~(e) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation;~~

~~(f) Failure to meet requirements set forth in subsections (c) through (e) within three years from the date of license expiration will require passage of a Board approved national examination within one year preceding the date of application for reactivation of license. Verification of successful passage of the examination must be sent directly to the agency from the originating authority.~~

~~(6) Direct entry midwives who have not reactivated their license within three years of the expiration date, and who have not engaged in active practice, may be granted a reactivated license after submission of the following:~~

~~(a) Re-activation application form;~~

~~(b) Payment of required application, reactivation and license fees pursuant to OAR 332-020-0020;~~

~~(c) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation;~~

~~(d) Evidence of required education in approved legend drugs and devices, the Drugs and Devices basic course that is 40 hours if two three years have passed, as provided in OAR 332-015-0070;~~

~~(e) Evidence of successful passage of a Board approved examination within one year preceding the date of application for reactivation of license. Verification of successful passage of the examination must be sent directly to the agency from the originating authority.~~

~~(7) An applicant who was previously licensed in Oregon and who has been engaged in the active practice of direct entry midwifery during the last three years~~

~~preceding reapplication for Oregon licensure will not be required to pass the written examination for reactivation according to ORS 687.425, if the following documentation and fees are submitted:~~

~~(a) Re-activation application form and requirements listed in OAR 331-030-0000;~~

~~(b) Payment of required application, reactivation and license fees pursuant to OAR 332-020-0020;~~

~~(c) Verification of active practice of direct entry midwifery through submission of tax records, client letters, or participation in peer review. Documentation must substantiate practice with an average of five clients per year with a minimum of 15 clients in a three-year period;~~

~~(d) Evidence of continuing education and peer review as required in OAR 332-020-0010 and 332-025-0020(2);~~

~~(e) Evidence of current certification in cardiopulmonary resuscitation for adults and newborns, which includes newborn bag and mask ventilation;~~

~~(f) Evidence of required education in approved legend drugs and devices as provided in OAR 332-015-0070;~~

~~(g) Failure to meet requirements set forth in subsections (7)(c) through (f) of this rule will require passage of a Board approved national examination within one year preceding the date of application for reactivation of license. Verification of successful passage of the examination must be sent directly to the agency from the originating authority.~~

(2) LICENSE RENEWAL: License renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee;

(c) Attestation of having obtained required continuing education including legend drugs and devices pursuant to OAR 332-020-0010;

(d) Evidence of current certification in cardiopulmonary resuscitation for adults and infants;

(e) Evidence of current certification in neonatal resuscitation;

(f) Evidence of having completed peer review documented on a form prescribed by the agency pursuant to 332-025-0020; and

(g) Submit a copy of individual MANAstats practice report pursuant to OAR 332-020-0017.

(3) INACTIVE LICENSE RENEWAL: License renewal made after the license enters inactive status. A license may be inactive for up to three years. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and license fees pursuant to OAR 332-020-0020;

(c) Attestation of having obtained required continuing education including legend drugs and devices pursuant to OAR 332-020-0010;

(d) Evidence of current certification in cardiopulmonary resuscitation for adults and infants;

(e) Evidence of current certification in neonatal resuscitation; and

(f) Evidence of having completed peer review on a form prescribed by the agency pursuant to 332-025-0020.

(g) Submit a copy of individual MANAstats practice report pursuant to OAR 332-020-0017.

(4) EXPIRED LICENSE: A license that has been inactive for more than three years is expired and must meet the requirements listed in OAR 332-015-0030.

(5) A licensee failing to meet continuing education requirements listed under OAR 332-020-0010 must reapply and meet requirements pursuant to OAR 332-015-0030.

Stat. Auth.: ORS 676.605, 676.615, 687.420, 687.425, 687.430, 687.485 & 687.493

Stats. Implemented: ORS 676.605, 676.615, 687.420, 687.425, 687.430, 687.485 & 687.493

Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-2001(Temp), f. & cert. ef. 10-1-01 thru 3-29-02; DEM 1-2002, f. 2-25-02 cert. ef. 3-1-02; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 1-2008, f. 9-15-08 cert. ef. 10-1-08

332-020-0010

Continuing Education

(1)(a)-HOURLY REQUIREMENTS: To qualify for license renewal a ~~direct entry~~ ~~midwife~~ ~~an LDM~~ must complete approved continuing education **requirements as follows:** ~~every two years from the date of initial licensure or as specified for~~

issuance, renewal and reactivation of the license. The number of required hours is as follows:

~~(b) Thirty (30) clock hours pertaining to scope of practice issues, standards of midwifery care, the law and rules regulating the practice of direct entry midwifery, science, health care professional concerns such as infection control or medical emergencies, ethics, and business practices. Infection control, as used in this rule section, includes but is not limited to appropriate protocols for labeling, handling and disposing of bio-hazard products, including sharps and medical waste; exposure to blood-borne pathogens and prevention of cross-contamination through appropriate sterilization, disinfection, hand-washing and gloving standards, and correct disposal of articles/items in contact with blood and/or bodily fluids.~~

(a) Two years from the date of initial licensure and every two years thereafter:

(A) Thirty clock hours relevant to women's health, neonatal, fetal or midwifery knowledge or care, ethics, communication, or professional development.

(B) Eight and a half clock hours pertaining to legend drugs and devices that include the components listed under OAR 332-015-0070 with the exception of neonatal resuscitation under OAR 332-015-0070(e), which is required annually upon renewal. The eight and a half hours pertaining to legend drugs and devices must be taught by a MEAC accredited or pre-accredited school, the Oregon Midwifery Council or by an organization authorized by the board.

- (i) One hour in pharmacology;**
- (ii) One half hour in administration of medications through injection;**
- (iii) One hour in advanced treatment of shock;**
- (iv) Three hours in intravenous therapy; and**
- (v) Three hours in suturing.**

~~((a) **HOURLY REQUIREMENTS:** To qualify for license renewal a direct entry midwife must complete approved continuing education every two years from the date of initial licensure or as specified for issuance, renewal and reactivation of the license. The number of required hours is as follows:~~

~~(2) **HOURLY REQUIREMENTS:** To qualify for license renewal a direct entry midwife must complete approved continuing education every four years from the date of initial licensure or as specified for issuance, renewal and reactivation of the endorsement for administration of legend drugs and devices. The number of required hours is as follows:~~

~~(a) Twelve and one half (12.5) clock hours pertaining to Board approved legend drugs and devices as referenced in OAR 332-025-0040, 332-025-0050, and 332-025-0060, which includes current information on approved drugs, administration procedures, treatment of shock including IV therapy, maternal and neonatal resuscitation and suturing. Education must consist of theory, hands on practice, and skills testing for competency assurance. The 12.5 clock hours of education applies after completion of the initial approved 40 course hours for license endorsement to administer legend drugs and devices.~~

~~(3)~~ **(2) CONTINUING EDUCATION PROVIDERS/SPONSORS:** Continuing education includes attendance or participation at an instructional program presented, recognized, or under the auspices of any ~~Board~~ **board** approved permanently organized institution or professional organization or association.

~~(4)~~ **(3) CONTINUING EDUCATION PATHWAYS:**

(a) Attendance at lectures, post-secondary school or postgraduate courses, scientific sessions at conventions, courses offered by an **agency or board** approved association or licensed/accredited school, classes or courses offered through an institution such as the American Red Cross, hospitals, health care clinics, correspondence courses or internet courses.

(b) Continuing education relating to subject matter listed in subsection (1)(a)**(A)** of this rule may ~~be~~ also be obtained through research or teaching (provided that no more than half the required hours be in teaching).

(c) Up to nine clock hours of continuing education relating to subject matter listed in subsection (1)(a)**(A)** of this rule may be completed through self-study and documented on forms provided by the agency.

~~(5)~~ **(4) DOCUMENTATION REQUIREMENTS:** Submission to the agency of proof of participation in continuing education is the responsibility of the ~~direct entry midwife~~ **LDM**. The following provisions specify requirements for documenting completion of continuing education:

(a) Documentation ~~shall~~ **must** include the name of the sponsoring institution, association or organization, title of presentation, description of content, name of instructor or presenter, date, duration in hours, and license or statement of attendance or completion provided by the sponsor.

(b) Documentation verifying completion of all required continuing education ~~shall~~ **must** be accumulated and held by the ~~direct entry midwife~~ **LDM** for two years following any reporting period, or until notification of audit is received. Continuing education documentation must be available and provided to the agency upon request. Refer to OAR 332-020-00105.

~~(6)~~ **(5) ADDITIONAL REQUIREMENTS AND PROVISIONS:** In addition to other requirements specified in this rule section, the following provisions apply toward meeting continuing education requirements as a condition of license renewal and reactivation:

(a) **In accordance with ORS 687.425** ~~A midwife a licensee~~ who has attended fewer than ~~five~~ **ten** births in the previous year ~~two years~~ shall ~~be~~ **is** required to take an additional ~~40~~ **ten** hours of continuing education ~~specific to basic midwifery practice outlined in subjects listed~~ in subsection (1)(a)(A) of this rule.

~~(b) Failing to obtain the prescribed number of clock hours and/or complete appropriate continuing education content must reapply and meet requirements listed in OAR 332-015-0030.~~

~~(c)~~ **(b)** Hours of continuing education that are obtained in "~~excess~~" **excess** of the minimum requirements listed in ~~subsection (1)(a) and (b)~~ of this rule will not be carried forward as credit for the subsequent license renewal reporting cycle.

~~(d)~~ **(c)** Continuing education is required for renewal even if the ~~direct entry~~ **5** ~~midwife license~~ **LDM license** has been inactive, revoked or suspended during that period.

~~(7) Notwithstanding subsection (1) of this rule, the agency may adjust the requirements for legend drugs and devices continuing education to coincide with the licensee's current continuing education two year reporting period.~~

Stat. Auth.: ORS 676.615, 687.425 & 687.485

Stats. Implemented: ORS 676.615, 687.425 & 687.485

Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-2001(Temp), f. & cert. ef. 10-1-01 thru 3-29-02; DEM 1-2002, f. 2-25-02 cert. ef. 3-1-02; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 2-2008(Temp), f. 9-15-08 cert. ef. 10-1-08 thru 3-30-09; DEM 1-2009, f. 3-31-09, cert. ef. 4-1-09

332-020-0015

Continuing Education: Audit, Required Documentation and Sanctions

(1) The ~~Health Licensing Office~~ **agency** will audit a select percentage of licenses determined by the ~~Board~~ **board** to verify compliance with continuing education requirements.

(2) ~~Practitioners~~ **A licensee** notified of selection for audit of continuing education attestation must submit to the agency, within 30 calendar days from the date of notification, satisfactory evidence of participation in required continuing education in accordance with OAR 332-020-0010.

~~(3) Documentation of a certificate of completion of attendance at a program or course provided by the sponsor must include:~~

~~(a) Name of sponsoring institution/association or organization;~~

~~(b) Title of presentation and description of content;~~

~~(c) Name of instructor or presenter;~~

~~(d) Date of attendance and duration in hours;~~

~~(e) Course agenda;~~

~~(f) Official transcript, diploma, certificate, statement or affidavit from the sponsor, attesting to attendance.~~

~~(4) If documentation of continuing education is invalid or incomplete, the licensee must correct the deficiency within 30 calendar days from the date of notice. Failure to correct the deficiency within the prescribed time shall constitute grounds for disciplinary action.~~

~~(5) Misrepresentation of continuing education, or failing to meet continuing education requirements or documentation may result in disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the license.~~

(3) If selected for audit, the licensee must provide documentation of the required continuing education, which must include:

(a) Certificate of completion, official transcript, statement or affidavit from the sponsor attesting to attendance or other documentation approved by the agency.

(b) Name of sponsoring institution/association or organization;

(c) Title of presentation and description of content;

(d) Name of instructor or presenter;

(e) Date of attendance and duration in hours; and

(f) Course agenda.

(4) If documentation of continuing education is incomplete, the licensee has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the license.

Stat. Auth.: ORS 687.425, 687.485

Stats. Implemented: ORS 687.425, 687.485

Hist.: DEM 1-2002, f. 2-25-02 cert. ef. 3-1-02; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04

332-020-0017

Reporting Requirements

(1) In accordance with ORS 687.495 an individual licensed as an LDM must submit data on every mother and baby electronically to the MANAstats Project on any form prescribed by MANA, and in accordance with the policies and procedures established by MANA. A licensee must:

(a) Begin data collection with MANA for each mother who initiates care as of June 1, 2011; and

(b) Submit a copy of their individual MANAstats practice report annually to the agency at the time of license renewal, beginning June 2012.

(2) A licensee is required to notify the agency of the number of mothers who decline consent to participate in the MANAstats data collection system annually on a form prescribed by the agency.

(3) When a mother declines consent to participate in the MANAstats data collection, the licensee must provide de-identified mother and baby data to the agency on a form prescribed by the agency. If there are multiple licensees present at the same birth, the licensees must determine which licensee will report to the agency.

332-020-0020

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding payment of fees, penalties and charges.

(2) Fees established by the Oregon Health Licensing Agency ~~in consultation with the Board,~~ are as follows:

(a) Application:

(A) License: \$150.

(B) License by reciprocity: \$750.

(b) Examination -- Oregon laws & rules: \$50.

(c) Original issuance of license (including by reciprocity): \$630 for one year.

(d) Renewal:

~~(A) Renewal of license:~~ **License:** \$630 for one year-;

(e) Reactivation of license: \$150.

~~(e)~~ **(f)** Other administrative fees:

(A) Delinquency fee: \$50 for each year in expired status up to ~~two~~ **three** years.

(B) Replacement of license, including name change: \$25.

(C) Duplicate license document: \$25 per copy, with a maximum of three.

(D) Affidavit of licensure for reciprocity: \$50.

(E) An additional \$25 administrative processing fee will be assessed if a ~~NSF~~ **non-sufficient funds** or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

(3) Applicants for original issuance of direct entry midwifery licensure may be granted a \$500 original issuance of license fee discount, upon application for licensure. This license fee discount is available to fully qualified direct entry midwife applicants residing in Oregon, as long as funding remains available, and only to those fully qualified applicants who have not previously held direct entry midwife licensure in Oregon. To be eligible for this discount, applicants must meet all qualifications in accordance with OAR 332-015-0000, 332-015-0010 and 332-015-0030.

Stat. Auth.: ORS 676.605, 676.615, 687.435 & 687.485

Stats. Implemented: ORS 676.605, 676.615, 687.435 & 687.485

Hist.: DEM 1-1993(Temp), f. & cert. ef. 12-22-93; DEM 1-1994, f. & cert. ef. 6-15-94; DEM 1-1997(Temp), f. 7-22-97, cert. ef. 7-23-97; DEM 1-1999(Temp), f. 9-1-99, cert. ef. 9-9-99 thru 2-29-00; DEM 2-1999, f. 12-17-99, cert. ef. 12-20-99; DEM 1-2004, f. 6-29-04, cert. ef. 7-1-04; DEM 1-2008, f. 9-15-08 cert. ef. 10-1-08