

Byron Mallott  
Lieutenant Governor  
State Capitol  
Juneau, Alaska 99811  
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Anchorage, Alaska 99501  
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LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Jun Maiquis  
Department of Commerce, Community, and Economic Development

**FROM:** April Simpson, Office of the Lieutenant Governor *AS*  
465.4081

**DATE:** October 26, 2018

**RE:** Filed Permanent Regulations: Board of Certified Direct-Entry Midwives

Update to Board of Certified Direct-Entry Midwives regulations (12 AAC 14.130(g); 12 AAC 14.210(a); 12 AAC 14.400(b)(4); 12 AAC 14.430(e); 12 AAC 14.500; 12 AAC 14.530; 12 AAC 14.900(c)(3)(D))

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Attorney General File:	2018200156
Regulation Filed:	10/26/2018
Effective Date:	11/25/2018
Print:	228, January 2019

cc with enclosures: Linda Miller, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS  
OF THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

The attached five pages of regulations, dealing with certification by credentials, review of an apprentice direct-entry midwife permit application, supervised clinical experience requirements, certification renewal requirements, approved continuing education programs, prenatal care, infant care, and peer review, are hereby certified to be a correct copy of the regulation changes that the Board of Certified Direct-Entry Midwives adopted at its May 7, 2018 teleconference meeting, under the authority of AS 08.65.030, AS 08.65.050, AS 08.65.070, AS 08.65.080, AS 08.65.090, AS 08.65.110, AS 08.65.140, and AS 08.65.190 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.


This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Certified Direct-Entry Midwives paid special attention to the cost to private persons of the regulatory action being taken.

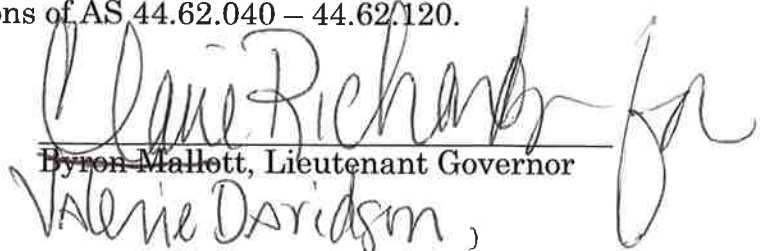
The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 7/24/18  
Wasilla, Alaska

  
Deborah Schneider, CDM, Chair  
Board of Certified Direct-Entry Midwives

  
FILING CERTIFICATION

I, ~~Byron Mallott~~, Lieutenant Governor for the State of Alaska, certify that  
on October 26, 2018 at 12:45 p.m., I filed the attached  
regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
Valerie Davidson,  
Byron Mallott, Lieutenant Governor

Effective: November 25, 2018.

Register: 228, January 2019.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, VALERIE NURR'ARAALUK DAVIDSON, LIEUTENANT GOVERNOR OF THE  
STATE OF ALASKA, designate the following state employees to perform the  
Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:**

**Claire Richardson  
Scott Meriwether  
April Simpson  
Kady Levale**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Anchorage, on October 24,  
2018.**



A handwritten signature in blue ink, appearing to read "Valerie", is written over a horizontal dotted line.

**VALERIE NURR'ARAALUK DAVIDSON  
LIEUTENANT GOVERNOR**

**Chapter 14. Board of Certified Direct-Entry Midwives.**

12 AAC 14.120(b)(5) is amended to read:

*12 Publisher: Existing 12 AAC  
14.120(b)(5) remains unchanged.*

(5) verification of the applicant's

*Disapproved.  
10/12/2018*

*XCR  
SPD*

→ (A) licensure status sent directly to the department from each jurisdiction where the applicant holds or has ever held a license to practice midwifery; at least one verification must indicate a current license in good standing; the verifications must document that the applicant is not the subject of any unresolved complaints or any unresolved disciplinary actions and has never had a license to practice midwifery

*Disapproved*

*10/12/2018*

*XCR  
SPD*

revoked; ~~or~~

(B) valid certified professional midwife certification in good standing.

Issued by North American Registry of Midwives;

(Eff. 5/11/94, Register 130; am 4/4/2002, Register 162; am 8/19/2004, Register 171; am 4/29/2006, Register 178; am 2/11/2017, Register 221; am 11 / 25 / 2018, Register 228)

**Authority:** AS 08.65.030 AS 08.65.070

12 AAC 14.130(g) is amended to read:

(g) In this section, "apprenticeship program preceptor" means an individual who meets the supervisory requirements of AS 08.65.090(b) and has a license in good standing. (Eff. 5/11/94, Register 130; am 12/26/2003, Register 168; am 8/19/2004, Register 171; am 8/19/2009, Register 191; am 9/9/2016, Register 219; am 11 / 25 / 2018, Register 228)

**Authority:** AS 08.65.030 AS 08.65.090

The introductory language of 12 AAC 14.210(a) is amended to read:

(a) An applicant must have completed all clinical experience requirements of this section under the supervision of a preceptor who **holds a license in good standing and**

...

(Eff. 2/18/94, Register 129; am 4/16/2003, Register 166; am 12/26/2003, Register 168; am 8/19/2004, Register 170; am 4/29/2006, Register 178; am 9/9/2016, Register 219; am 11 / 25 / 2018, Register 228 )

**Authority:** AS 08.65.030 AS 08.65.050

12 AAC 14.400(b)(4) is amended to read:

(4) submit copies that are current at the time of certificate renewal verifying certification in

(A) the Basic Life Support for Health Care Providers Program (BLS); **and**

(B) [INTRAVENOUS THERAPY TREATMENT FOR GROUP B *STREPTOCOCCI*, FROM THE MIDWIVES' ASSOCIATION OF ALASKA (MAA), OR FROM A PROGRAM APPROVED BY THE MIDWIFERY EDUCATION ACCREDITATION COUNCIL (MEAC);

(C) INTRAVENOUS THERAPY, FROM THE MIDWIVES' ASSOCIATION OF ALASKA (MAA), OR FROM A PROGRAM APPROVED BY THE MIDWIFERY EDUCATION ACCREDITATION COUNCIL (MEAC); AND

(D)] the Neonatal Resuscitation Program (**NRP**) [(NPR)] from the American Academy of Pediatrics, or neonatal resuscitation from the Midwives' Association of Alaska (MAA); and



(Eff. 5/11/94, Register 130; am 5/16/96, Register 138; am 3/2/2003, Register 165; am 5/2/2004, Register 170; am 2/23/2007, Register 181; am 8/19/2009, Register 191; am 11 / 25 / 2018, Register 228)

**Authority:** AS 08.65.030 AS 08.65.080

12 AAC 14.430(e) is amended to read:

(e) The board's **self-study** [SELF STUDY] program required in 12 AAC 14.420(a)(2) covers the board's current statutes and regulations in AS 08.65 and 12 AAC 14, and will be revised for each renewal. The board's self-study program and [A BOOKLET CONTAINING] the board's current statutes and regulations will be **provided** [MAILED] to each licensee [WITH THE RENEWAL FORM]. (Eff. 5/11/94, Register 130; am 12/9/2001, Register 160; am 4/4/2002, Register 162; am 2/11/2017, Register 221; am 11 / 25 / 2018, Register 228)

**Authority:** AS 08.65.030 AS 08.65.080

12 AAC 14.500(c)(2) is amended by adding a new subparagraph to read:

(D) cervical cancer screening as appropriate.

12 AAC 14.500(d)(1) is amended to read:

(1) **the appropriate gestational age** [11 - 13 WEEKS OF GESTATION], the certified direct-entry midwife shall **discuss the availability of maternal fetal genetic screening** [OFFER AN ULTRASCREEEN TEST];

*if Publisher: To reflect the addition of 12 AAC 14.500(c)(2)(D), please replace the period that follows 12 AAC 14.500(c)(2)(C) with a semicolon.))*

12 AAC 14.500(d)(2) is repealed:

(2) repealed 11 / 25 / 2018 ;

12 AAC 14.500(h)(8) is amended to read:

midwife's (8) has symptoms of urinary tract infection, despite first line treatment within  
the midwives scope of practice; laboratory evidence of urinary tract infection with or  
without [INCLUDING] a fever of 100.5 degrees Fahrenheit or 38 degrees Celsius, kidney or  
flank pain, or hematuria;

12 AAC 14.500(k) is amended to read:

(k) A certified direct-entry midwife shall make a home visit before prior to delivery [THREE  
TO FIVE WEEKS BEFORE THE ESTIMATED DATE OF CONFINEMENT] to assess the  
physical environment, to determine whether the home-birth client has the necessary supplies, to  
prepare the family for the birth, and to instruct the family in correction of problems or  
deficiencies. (Eff. 5/11/94, Register 130; am 5/2/2004, Register 170; am 10/18/2007, Register  
184; am 3/2/2011, Register 197; am 8/10/2011, Register 199; am 9/9/2016, Register 219; am  
11 / 25 / 2018 , Register 228 )

**Authority:** AS 08.65.030 AS 08.65.140 AS 08.65.190

The introductory language of 12 AAC 14.530(a) is amended to read:

(a) A certified direct-entry midwife shall consult with a pediatric provider with hospital  
admitting privileges [PHYSICIAN] concerning an infant who

...

⑦

12 AAC 14.530(e) is amended to read:

(e) A certified direct-entry midwife shall recommend to the client an evaluation of the infant by a **licensed pediatric care provider** [PHYSICIAN] within one week of birth or sooner if it becomes apparent that the infant needs medical attention.

(Eff. 5/11/94, Register 130; am 3/2/2011, Register 197; am 2/11/2017, Register 221; am

11 / 25 / 2018, Register 228)

**Authority:** AS 08.65.030 AS 08.65.140 AS 08.65.190

12 AAC 14.900(c)(3)(D) is amended to read:

(D) had any of the complications or conditions listed in **12 AAC 14.150(b)**  
[12 AAC 14.150] if the mother was attended in active labor or the newborn was delivered  
by a certified direct-entry midwife.

(Eff. 5/16/96, Register 138; am 2/23/2007, Register 181; am 9/9/2016, Register 219; am

11 / 25 / 2018, Register 228)


**Authority:** AS 08.65.030 AS 08.65.110 AS 08.65.140



# MEMORANDUM

## State of Alaska Department of Law


**To:** The Honorable Byron Mallott  
Lieutenant Governor

**From:** Susan R. Pollard   
Chief Assistant Attorney General  
and Regulations Attorney  
Legislation and Regulations Section

**Date:** October 12, 2018

**File No.:** 2018200156

**Tel. No.:** 465-3600

Steven C. Weaver   
Senior Assistant Attorney General  
and Assistant Regulations Attorney  
Legislation and Regulations Section

**Re:** Update to Board of Certified Direct-Entry Midwives regulations (12 AAC 14.130(g); 12 AAC 14.210(a); 12 AAC 14.400(b)(4); 12 AAC 14.430(e); 12 AAC 14.500; 12 AAC 14.530; 12 AAC 14.900(c)(3)(D))

The Department of Law has reviewed the attached regulations of the Board of Certified Direct-Entry Midwives against the statutory standards of the Administrative Procedure Act. Based upon our review, and except for proposed amendments to 12 AAC 14.120(b)(5), we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Certified Direct-Entry Midwives after the close of the public comment period. The regulations concern requirements for apprenticeship program preceptors, certificate renewal requirements, prenatal and infant care requirements, and peer review requirements.

We have disapproved proposed amendments to 12 AAC 14.120(b)(5), part of the regulations for certification by credentials. Existing 12 AAC 14.120(b)(5) requires "verification of the applicant's licensure status . . . from each jurisdiction where the applicant holds or has ever held a license to practice midwifery." The existing regulations also require that at least one verification "must indicate a current license in good standing," and that each verification "must document that the applicant is not the subject of any unresolved complaints or any unresolved disciplinary actions and has never had a license to practice midwifery revoked." The amendments proposed for 12 AAC 14.120(b)(5) would provide two ways to provide verification, with the use of "or" indicating that an applicant could elect one of the two. One way would be through the existing requirements. The other way, proposed 12 AAC 14.120(b)(5)(B), would be "verification of the applicant's . . . valid certified professional midwife certification in good standing issued by [the] North American Registry of Midwives" (NARM), a nongovernmental organization.

The statute that addresses certification by credentials requires an applicant to be "currently licensed in another state with licensing requirements at least equivalent in scope,

quality, and difficulty to those of this state." AS 08.65.070. Additionally, AS 08.65.070(1) disallows an applicant who is "the subject of an unresolved complaint or disciplinary action before a regulatory authority in this state or another jurisdiction"; similarly, AS 08.65.070(3) disallows an applicant who has "had a certificate or license to practice midwifery revoked in this state or another jurisdiction." The statute's plain language, unchanged since its enactment in 1992, does not contemplate certification by a nongovernmental organization like the NARM.

Similarly, the legislative history that we reviewed for AS 08.65.070 does not support certification by a nongovernmental organization. The statute was part of House Bill 382 (1992). Neither the minutes from legislative committee hearings nor committee amendments to AS 08.65.070 indicate that the legislature envisioned certification from a nongovernmental agency rather than from a state or jurisdiction.

Also, the existing verification requirements are set out only in proposed 12 AAC 14.120(b)(5)(A). The alternative of NARM certification is proposed as 12 AAC 14.120(b)(5)(B), and is silent about unresolved complaints, unresolved disciplinary actions, or license revocation. An applicant certified in another state, who presently would have to document the absence of unresolved complaints, unresolved disciplinary action, or license revocation, could instead submit NARM certification without additional documentation, raising a possible conflict with AS 08.65.070(1) and (3). Though we cannot ascertain whether NARM certification involves a background check for misconduct, AS 08.65.070 indicates that resolution of complaints, disciplinary actions, and license revocation matters are the functions of another state or jurisdiction, rather than the NARM.

Perhaps the proposed amendments to 12 AAC 14.120(b)(5) were meant as a path for certification by credentials for applicants who practiced only in states that do not license or certify direct-entry midwives. Also, perhaps proposed 12 AAC 14.120(b)(5)(B) was not meant as an option for applicants from states that do license or certify direct-entry midwives. We do not speak to whether those goals are desirable as a matter of policy. Our analysis is whether the proposed regulatory changes, as drafted, are consistent with AS 08.65.070: under AS 44.62.030 (Administrative Procedure Act), regulations must be consistent with the statute they implement, interpret, or make specific. We conclude that current AS 08.65.070 does not support certification by the NARM as an alternative to certification by another state or jurisdiction.

Please consult the assistant attorneys general that advise your agency if you have additional questions.

The February 18, 2018 public notice and the July 24, 2018 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SRP:scw

cc: w/enc (via email)

Deborah Schneider, CDM, Chair (via email through Jun Maiquis)  
Board of Certified Direct-Entry Midwives

Linda Mattson, Regulations Contact  
Department of Commerce, Community, and Economic Development

Janey McCullough, Director  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Sara Chambers, Operations Manager  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Sher Zinn, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Renee Hoffard  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community, and Economic Development

Harriet Dinegar Milks, Assistant Attorney General  
Commercial, Fair Business, and Child Support Section

## FIRST JUDICIAL DISTRICT

## AFFIDAVIT OF BOARD ACTION

I, Renee Hoffard, Licensing Supervisor for the Board of Certified Direct-Entry Midwives, being duly sworn, state the following:

The attached motion dealing with certification by credentials, review of an apprentice direct-entry midwife permit application, supervised clinical experience requirements, certification renewal requirements, approved continuing education programs, prenatal care, infant care, and peer review was passed by the Board of Certified Direct-Entry Midwives during its May 7, 2018 teleconference meeting.

Date: May 13, 2018  
Juneau, Alaska

  
Renee Hoffard, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 15 day of May, 2018.



Notary Public in and for the  
State of Alaska  
My commission expires: WITH OFFICE

STATE OF ALASKA  
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

Teleconference originating at 333 Willoughby Ave, 9<sup>th</sup> Floor, Conference Room A  
Juneau, AK

May 7, 2018

**These DRAFT minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.**

By the authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6, a scheduled teleconference meeting of the Board of Certified Direct-Entry Midwives was held July 20, 2015; 333 Willoughby Ave, 9<sup>th</sup> Floor Conference Room B Juneau, AK.

**Agenda Item 1 - Call to Order/Roll Call/Approve Agenda and March minutes**

Deborah Schneider called the meeting to order at 8:03 am. A quorum of the Board was present.

Deborah Schneider, CDM, Chair, Wasilla  
Katie Ostrom, OB/GYN, Homer  
Dana Brown, CDM, Fairbanks  
Dianna Kristeller, CNM, Fairbanks

Present from the Division of Corporations, Business and Professional Licensing

Renee Hoffard, Records & Licensing Supervisor

**ON A MOTION BY OSTROM, SECONDED BY BROWN, THE BOARD MOVED TO APPROVE THE AGENDA AS WRITTEN. ALL IN FAVOR, NO NAYS.**

**ON A MOTION BY BROWN, SECONDED BY OSTROM, THE BOARD MOVED TO APPROVE THE MARCH 16, 2018 MEETING MINUTES AS AMENDED. ALL IN FAVOR, NO NAYS.**

**Agenda Item 2 – New business – approve regulations project**

The Board reviewed the proposed regulations project and the written comments submitted to the division. There was discussion revolving around the definition of assisted labor

managements as proposed in 12 AAC 14.210(b)(3); the board feels that at this time it would be better to remove that definition from the regulations project and address it at a later date. The board also discussed 12 AAC 14.530(e); they wished to make sure that the regulation was not too restrictive for patients. After more discussion it was determined to leave the regulation as proposed; it states that the CDM must **recommend** an evaluation by a licensed pediatric provider; not that the patients must seek a pediatrician which might not be available due to some remote locations.

**ON A MOTION BY BROWN, SECONDED BY OSTROM, THE BOARD MOVED TO APPROVE THE FOLLOWING REGULATIONS CHANGES AS AMENDED. ALL IN FAVOR, NO NAYS.**

**12 AAC 14.120(b)(5); 12 AAC 14.130(g); 12 AAC 14.210(a); 12 AAC 14.400(b)(4); 12 AAC 14.430(e); 12 AAC 14.500(c)(2); 12 AAC 14.500(d)(1); 12 AAC 14.500(d)(2); 12 AAC 14.500(h)(8); 12 AAC 14.500(k); 12 AAC 14.530(a); 12 AAC 14.530(e); 12 AAC 14.900(c)(3)(D) – no changes to proposed amendments.**

**12 AAC 14.210(b)(3) – strike ““assisted labor managements” means when an apprentice midwife is using critical thinking to manage the complete labor and delivery under the direct supervision of a preceptor in the out of hospital setting;”**

### **Agenda Item 3 – New Regulations Project**

The Board reviewed and discussed the proposed amendment to 12 AAC 14.200. Dana had concerns regarding the date of September 15, 2018; with the length of time regulations projects typically take she felt that did not give enough time for the regulations project to be completed and signed into effect before that date. The board agreed that the date should be moved out further and they also agreed that the date would be moved out again should it appear the project would not be finalized with sufficient time before the new date of January 1, 2019. There was concern that the regulation amendment (b) was repeating (a); Renee explained that the proposed changes were written so that (b) ensured that any applicants that had enrolled in one of the courses approved by the board prior to the effective date would not be required to find a new educational program should their course not meet the requirements of (a).

**ON A MOTION BY BROWN, SECONDED BY OSTROM, THE BOARD MOVED TO APPROVE THE PROPOSED AMENDEMENTS TO 12 AAC 14.200 WITH THE DATES AMENDED TO JANUARY 1, 2019. ALL IN FAVOR, NO NAYS.**

The board determined that they would accept oral testimony on this proposed change at the September 14, 2018 board meeting.

The board briefly discussed creating one or more subcommittees to review the current regulations and provide recommended changes but ultimately determined that they should wait until they receive responses from the Department of Law to their outstanding questions



89 from the March meeting. Renee assured the board she would reach out to Deputy Director  
90 Sara Chambers for an update from DOL. Deborah let Renee that the board had also requested  
91 a clarification from DOL regarding the board's legal standing in approving/denying licensure  
92 based upon the information discovered by requesting additional information and/or in person  
93 interviews with applicants.

94  
95 Chair Schneider adjourned the meeting at 8:56 am.

96  
97  
98 Respectfully Submitted:

99  
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101 \_\_\_\_\_  
102 Renee Hoffard, Records & Licensing  
103 Supervisor

104  
105 \_\_\_\_\_  
106 Deborah Schneider, CDM Chair

107  
108 \_\_\_\_\_  
109 Date

## FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS**  
**AND FURNISHING OF ADDITIONAL INFORMATION**


I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 14.120 through 12 AAC 14.900, dealing with certification by credentials, review of an apprentice direct-entry midwife permit application, supervised clinical experience requirements, certification renewal requirements, approved continuing education programs, prenatal care, infant care, and peer review, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

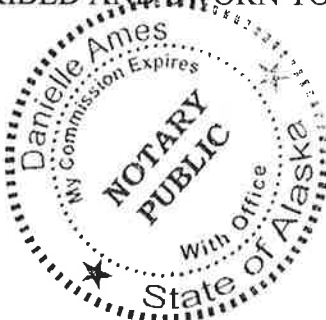
As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 6/5/18  
Juneau, Alaska

  
Jun Maiquis, Regulations

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 5<sup>th</sup> day of June, 2018.



Notary Public in and for the  
State of Alaska

My commission expires:

**FIRST JUDICIAL DISTRICT**

## AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

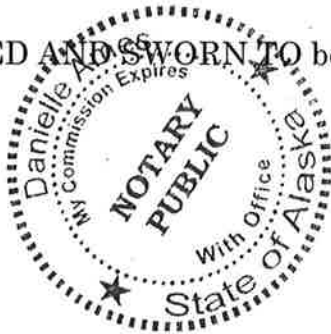
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Certified Direct-Entry Midwives has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Certified Direct-Entry Midwives regulations on dealing with certification by credentials, review of an apprentice direct-entry midwife permit application, supervised clinical experience requirements, certification renewal requirements, approved continuing education programs, prenatal care, infant care, and peer review.

Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 5<sup>th</sup> day of June, 2018.



Notary Public in and for the  
State of Alaska  
My commission expires: w/o office

**NOTICE OF PROPOSED CHANGES RELATING TO THE CERTIFICATION AND PRACTICE  
OF CERTIFIED DIRECT-ENTRY MIDWIVES IN THE REGULATIONS OF  
THE BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES**

**BRIEF DESCRIPTION:** The Board of Certified Direct-Entry Midwives proposes to update various regulations including requirements for applying by credentials, apprentice permit, renewal requirements, continuing education, peer review, prenatal care, and infant care performed by a certified direct-entry midwife.

The Board of Certified Direct-Entry Midwives (Board) proposes to adopt regulation changes in Title 12, Chapter 14, of the Alaska Administrative Code including the following:

1. **12 AAC 14.120. Certification by credentials**, is proposed to be changed to amend the requirements for a certification by credentials to practice as a direct-entry midwife.
2. **12 AAC 14.130. Review of an apprentice direct-entry midwife permit application**, is proposed to be changed to further define “apprenticeship program preceptor”.
3. **12 AAC 14.210. Supervised clinical experience requirements**, is proposed to be changed to amend the provisions relating to supervised clinical experience requirements, and defining the term “assisted labor managements”.
4. **12 AAC 14.400. Certification renewal requirements**, is proposed to be changed to amend the renewal requirements for certified direct-entry midwives.
5. **12 AAC 14.430. Approved continuing education programs**, is proposed to be changed to amend how self-study programs required for continuing education will be provided to licensees in the renewal form.
6. **12 AAC 14.500. Prenatal care**, is proposed to be changed to amend the requirements for prenatal care by a certified direct-entry midwife.
7. **12 AAC 14.530. Infant care**, is proposed to be changed to amend the requirements for infant care by a certified direct-entry midwife.
8. **12 AAC 14.900. Peer review**, is proposed to be changed to correct a citation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/188843>, and using the comment link. **The comments must be received not later than 5:00 p.m. on March 23, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board’s website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Midwives.aspx>. The Board may, but

is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov) not later than March 16, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MID-0218.pdf>.


After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

**Statutory Authority:** AS 08.65.030; AS 08.65.050; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.110; AS 08.65.140; AS 08.65.190

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.65.030; AS 08.65.050; AS 08.65.070; AS 08.65.080; AS 08.65.090; AS 08.65.110; AS 08.65.140; AS 08.65.190


**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: 2/16/18

  
\_\_\_\_\_  
Jun Maiquis, Regulations Specialist  
Division of Corporations, Business and  
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

**ADDITIONAL REGULATION NOTICE INFORMATION**  
**(AS 44.62.190(d))**

1. **Adopting agency:** Board of Certified Direct-Entry Midwives – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Certification by credentials, review of an apprentice direct-entry midwife permit application, supervised clinical experience requirements, certification renewal requirements, approved continuing education programs, prenatal care, infant care, and peer review.
3. **Citation of regulation:** 12 AAC 14.120, 12 AAC 14.130, 12 AAC 14.210, 12 AAC 14.400, 12 AAC 14.430, 12 AAC 14.500, 12 AAC 14.530, and 12 AAC 14.900.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, and compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
A private person: None known.  
Another state agency: None known.  
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**  
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulations:**  
Deb Tempel, Licensing Examiner  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-2756  
E-mail: deb.tempel@alaska.gov
10. **The origin of the proposed action:** Board of Certified Direct-Entry Midwives.
11. **Date:** 2/16/18      **Prepared by:**   
Jun Malquis  
Regulations Specialist  
(907) 465-2537



FEB 22 2018

# AFFIDAVIT OF PUBLICATION

CBPL

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

**Joleesa Stepetin**

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

February 18, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Subscribed and sworn to before me  
this 19th day of February, 2018

Notary Public in and for  
The State of Alaska.

### Third Division

## Anchorage, Alaska

**MY COMMISSION EXPIRES**

**Notary Public**  
**BRITNEY L. THOMPSON**  
**State of Alaska**

My Commission Expires Feb 23, 2019

**NOTICE OF PROPOSED CHANGES RELATING TO THE  
CERTIFICATION AND PRACTICE OF CERTIFIED DIRECT-ENTRY  
MIDWIVES IN THE REGULATIONS OF THE BOARD OF CERTIFIED  
DIRECT-ENTRY MIDWIVES**

The Board of Certified Direct-Entry Midwives (Board) proposes to adopt regulation changes in Title 12, Chapter 14, of the Alaska Administrative Code including the following:

1. **12 AAC 14.120. Certification by credentials**, is proposed to be changed to amend the requirements for a certification by credentials to practice as a direct-entry midwife.
2. **12 AAC 14.130. Review of an apprentice direct-entry midwife permit application**, is proposed to be changed to further define "apprenticeship program preceptor".
3. **12 AAC 14.210. Supervised clinical experience requirements**, is proposed to be changed to amend the provisions relating to supervised clinical experience requirements, and defining the term "assisted labor managements".
4. **12 AAC 14.400. Certification renewal requirements**, is proposed to be changed to amend the renewal requirements for certified direct-entry midwives.
5. **12 AAC 14.430. Approved continuing education programs**, is proposed to be changed to amend how self-study programs required for continuing education will be provided to licensees in the renewal form.
6. **12 AAC 14.500. Prenatal care**, is proposed to be changed to amend the requirements for prenatal care by a certified direct-entry midwife.
7. **12 AAC 14.530. Infant care**, is proposed to be changed to amend the requirements for infant care by a certified direct-entry midwife.
8. **12 AAC 14.900. Peer review**, is proposed to be changed to correct a citation.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/188843>, and using the comment link. **Comments must be received not later than 5:00 p.m. on March 23, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiguis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov). **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Mi dwives.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than March 16, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MID-0218.pdf>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation.

ITB packets can be picked up at BSRHA's office during normal office hours (8:00 am-5:00 pm) on our website [www.bsrha.org/currenttenders](http://www.bsrha.org/currenttenders) or requested by calling 907-443-5256. They are also available in the Plans Room. Bids must be received no later than 2:00 p.m. Alaska Standard time on March 6, 2018 at the office of BSRHA, 415 E 3rd Ave., Nome, Alaska 99762. 99762