

By: Paxton

S.B. No. 735

A BILL TO BE ENTITLED

AN ACT

relating to the administration of certain drugs by a midwife.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 203.256, Occupations Code, is amended to read as follows:

Sec. 203.256. TRAINING IN NEWBORN SCREENING, ADMINISTRATION OF CERTAIN DRUGS, AND BASIC LIFE SUPPORT CARDIOPULMONARY RESUSCITATION. A person who practices midwifery in this state must provide the department with satisfactory evidence that the person:

(1) is trained to:

(A) perform the newborn screening tests under Section 203.354 or has made arrangements for the performance of those tests; and

(B) administer the drugs described by Section 203.3525; and

(2) holds:

(A) a current certificate issued by the American Heart Association in basic life support cardiopulmonary resuscitation; or

(B) another form of certification acceptable to the department that demonstrates proficiency in basic life support cardiopulmonary resuscitation for adults and children.

SECTION 2. Section 203.304, Occupations Code, is amended by

1 adding Subsection (a-1) to read as follows:

2 (a-1) The commission by rule shall require a licensed
3 midwife to complete, as part of the minimum hours required to renew
4 a license:

5 (1) a course in pharmacology; and

6 (2) training in the administration of the drugs
7 described by Section 203.3525.

8 SECTION 3. Subchapter H, Chapter 203, Occupations Code, is
9 amended by adding Section 203.3525 to read as follows:

10 Sec. 203.3525. ADMINISTRATION OF CERTAIN DRUGS. (a) A
11 midwife may administer:

12 (1) a drug commonly used in labor or postpartum care,
13 including an anti-hemorrhagic drug, intravenous fluids, or a local
14 anesthetic; or

15 (2) a prophylactic drug that meets the applicable
16 standard of care for a woman or newborn and is approved by the
17 Department of State Health Services.

18 (b) The administration of a drug by a midwife under this
19 section does not constitute the practice of medicine as defined by
20 Subtitle B.

21 SECTION 4. Section 203.401, Occupations Code, is amended to
22 read as follows:

23 Sec. 203.401. PROHIBITED PRACTICES. A midwife may not:

24 (1) provide midwifery care in violation of commission
25 rule, except in an emergency that poses an immediate threat to the
26 life of a woman or newborn;

27 (2) administer a prescription drug to a client other

1 than:

2 (A) a drug administered under the supervision of
3 a licensed physician in accordance with state law;

4 (B) prophylaxis approved by the Department of
5 State Health Services to prevent ophthalmia neonatorum; ~~or~~

6 (C) oxygen administered in accordance with
7 commission rule; or

8 (D) a drug described by Section 203.3525;

9 (3) use forceps or a surgical instrument for a
10 procedure other than cutting the umbilical cord or providing
11 emergency first aid during delivery;

12 (4) remove placenta by invasive techniques;

13 (5) use a mechanical device or medicine to advance or
14 retard labor or delivery; or

15 (6) make on a birth certificate a false statement or
16 false record in violation of Section 195.003, Health and Safety
17 Code.

18 SECTION 5. Not later than December 1, 2021, the Texas
19 Commission of Licensing and Regulation shall adopt rules as
20 required by Section 203.304(a-1), Occupations Code, as added by
21 this Act.

22 SECTION 6. Section 203.304(a-1), Occupations Code, as added
23 by this Act, applies only to the renewal of a midwife license on or
24 after March 1, 2022. The renewal of a license before March 1, 2022,
25 is governed by the law in effect immediately before the effective
26 date of this Act, and the former law is continued in effect for that
27 purpose.

1 SECTION 7. Section 203.401, Occupations Code, as amended by
2 this Act, applies only to conduct that occurs on or after March 1,
3 2022. Conduct that occurs before March 1, 2022, is governed by the
4 law in effect immediately before the effective date of this Act, and
5 the former law is continued in effect for that purpose.

6 SECTION 8. (a) Except as provided by Subsection (b) of this
7 section, this Act takes effect September 1, 2021.

8 (b) Section 203.256, Occupations Code, as amended by this
9 Act, and Section 203.3525, Occupations Code, as added by this Act,
10 take effect March 1, 2022.