

STATEMENT OF SCOPE

Department of Safety and Professional Services

Rule No.: SPS 180 to 183

Relating to: Licensed Midwives Comprehensive Review

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only): N/A

2. Detailed description of the objective of the proposed rule:

The Department of Safety and Professional Services will conduct a comprehensive review and update of chapters SPS 180 to 183 to ensure the rules conform to current statutes and standards set by the National Association of Certified Professional Midwives, increase clarity in the profession, remove obsolete provisions, correct cross-references, allow for current technologies, and update terminology.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Chapters SPS 180 to 183 establish requirements for licensed midwives including definitions, licensure, renewal of licensure, temporary permits, standards of practice, and grounds for discipline. Most of these chapters have not undergone a comprehensive review and potential update since their initial promulgation.

The alternative to the proposed project would be to potentially continue to have outdated standards of practice which is a public safety concern. Further, inaction will not address conflicts with current statutes that perpetuate confusion within the profession, for applicants, and for staff. Additionally, if the proposed project is not undertaken, the lack of clarity within the code may persist and the department may need to maintain procedures and practices which are out-of-date.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 440.984 (1), Stats., states that “the department shall promulgate rules necessary to administer this subchapter. Except as provided in subs. (2), (2m), and (3) (see below), any rules regarding the practice of midwifery shall be consistent with standards regarding the practice of midwifery established by the National Association of Certified Professional Midwives or a successor organization.”

(2) The rules shall allow a licensed midwife to administer oxygen during the practice of midwifery.

(2m) The rules shall provide for the granting of temporary permits to practice midwifery pending qualification for licensure.

(3) The rules may allow a midwife to administer, during the practice of midwifery, oxytocin (Pitocin) as a postpartum antihemorrhagic agent, intravenous fluids for stabilization, vitamin K, eye prophylactics, and other drugs or procedures as determined by the department.

Section 227.11 (2) (a), Stats. provides “[e]ach agency may promulgate rules interpreting the provisions of any statute enforced or administered by the agency, if the agency considers it necessary to effectuate the purpose of the statute...”

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule:

120 hours

6. List with description of all entities that may be affected by the proposed rule:

Licensed midwives and applicants for licensure or temporary permits.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule: None.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

Rule revisions will likely have minimal to no economic impact on small businesses and the state's economy as a whole.

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Approved for publication:



Authorized Signature

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Date Submitted

Approved for implementation:



Authorized Signature

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