

Honolulu, Hawaii

February 9, 2018

RE: H.B. No. 2184  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Health & Human Services, to which was referred H.B. No. 2184 entitled:

"A BILL FOR AN ACT RELATING TO THE LICENSURE OF MIDWIVES,"

begs leave to report as follows:

The purpose of this measure is to establish the criteria for licensure of midwives by the Department of Commerce and Consumer Affairs. This measure provides for interim rules for continuing education requirements, standards of professional conduct, prescriptive authority, and penalties for violations.

League of Women Voters, Hawaii Maternal & Infant Health Collaborative, American College of Nurse-Midwives, Breastfeeding Hawaii, Daly Birth Maternity Services, Midwives Alliance of Hawaii, Hawaii Section of the American College of Obstetricians and Gynecologists, Malie Cannabis Clinic, Healthy Mothers Healthy Babies, Midwives Alliance of Hawaii, Zen Den Midwifery, and many several concerned individuals submitted testimony in support of this measure. Patients Without Time, Hawaii Midwifery Council, Hawaii State Coalition Against Domestic Violence, Young Progressives Demanding Action, and numerous concerned individuals submitted testimony in opposition. The Department of Commerce and Consumer Affairs Professional and Vocational Licensing Division and Regulated Industries and Complaints Office, State Procurement Office, and Hawaii Medical Service Association provided comments.



Your Committee has amended this measure by:

- (1) Revising the renewal process for midwives so that licenses are required to be renewed on or before June 30th of the applicable year;
- (2) Removing the authority of the Department of Commerce and Consumer Affairs to contract an implementation coordinator or team;
- (3) Including one obstetrician-gynecologist as a member of the advisory committee;
- (4) Removing the limitation on the types of information which may be considered fraudulent, deceitful, or misrepresented information when an applicant applies for a license, or requests renewal or reinstatement of a license;
- (5) Deleting language that is duplicative of all the other enumerated grounds upon which the director may refuse to renew, reinstate, or restore a license;
- (6) Requiring the applicant to notify the director of any type of disciplinary action being taken in another state or jurisdiction in the United States so that the director may evaluate the information under Hawaii's licensing standards;
- (7) Changing the effective date to July 1, 3000, to promote further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that the Department of Commerce and Consumer Affairs requested an effective date of July 1, 2019, to allow for sufficient time to ensure an efficient and smooth transition for licensure of certified professional midwives and certified midwives.

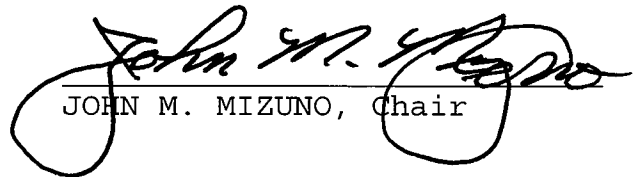


Your Committee further notes the concerns and remarks by the Minority Leader relating to this measure. The Minority Leader opposes this measure because of concerns regarding:

- (1) Overregulation of midwifery;
- (2) Apprehension that licensure may limit consumer choices, increase access disparities, diminish provider availability, and reduce quality of maternal child health care;
- (3) The capacity for a mother to exercise her choices; and
- (4) The good track record midwives have as a self-regulated practice.

As affirmed by the record of votes of the members of your Committee on Health & Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2184, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2184, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.

Respectfully submitted on  
behalf of the members of the  
Committee on Health & Human  
Services,

  
JOHN M. MIZUNO, Chair



**Record of Votes of the Committee on Health & Human Services**

<b>Bill/Resolution No.:</b> <span style="font-size: 1.2em; font-family: cursive;">HB2184</span>	<b>Committee Referral:</b> <span style="font-size: 1.2em; font-family: cursive;">HHS, CPC, FIN</span>	<b>Date:</b> <span style="font-size: 1.2em; font-family: cursive;">2-6-18</span>
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The committee is reconsidering its previous decision on the measure.

**The recommendation is to:**   
 Pass, unamended (as is)   
 Pass, with amendments (HD)   
 Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

HHS Members	Ayes	Ayes (WR)	Nays	Excused
1. MIZUNO, John M. (C)	/			
2. KOBAYASHI, Bertrand (VC)	/			
3. BELATTI, Della Au	/			
4. LEARMONT, Lei R.		/		
5. TUPOLA, Andria P.L.			/	
TOTAL (5)	3	1	1	—

**The recommendation is:**   
 Adopted   
 Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

**Vice Chair's or designee's signature:** \_\_\_\_\_  
B. J. K...

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