

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Licensed Certified Professional Midwife  
5 Practice Act is amended by changing Sections 10, 30, 40, 55,  
6 90, 125, 130, and 150 as follows:

7 (225 ILCS 64/10)

8 (This Section may contain text from a Public Act with a  
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 10. Definitions. As used in this Act:

12 "Address of record" means the designated address recorded  
13 by the Department in the applicant's application file or the  
14 licensee's licensure file as maintained by the Department.

15 "Antepartum" means before labor or childbirth.

16 "Board" means the Illinois Midwifery Board.

17 "Certified nurse midwife" means an individual licensed  
18 under the Nurse Practice Act as an advanced practice  
19 registered nurse and is certified as a nurse midwife.

20 "Client" means a childbearing individual or newborn for  
21 whom a licensed certified professional midwife provides  
22 services.

23 "Consultation" means the process by which a licensed

1 certified professional midwife seeks the advice or opinion of  
2 another health care professional.

3 "Department" means the Department of Financial and  
4 Professional Regulation.

5 "Email address of record" means the designated email  
6 address of record by the Department in the applicant's  
7 application file or the licensee's licensure file as  
8 maintained by the Department.

9 "Health care professional" means an advanced practice  
10 registered nurse or a physician licensed to practice medicine  
11 in all of its branches.

12 "Intrapartum" means during labor and delivery or  
13 childbirth.

14 "Licensed certified professional midwife" means a person  
15 who has successfully met the requirements under Section 45 of  
16 this Act and has been licensed by the Department.

17 "Low-risk" means a low-risk pregnancy where there is an  
18 absence of any preexisting maternal disease, significant  
19 disease arising from the pregnancy, or any condition likely to  
20 affect the pregnancy, including, but not limited to, those  
21 listed in Section 85.

22 "Midwife assistant" means a person, at least 18 years of  
23 age, who performs basic administrative, clerical, and  
24 supportive services under the supervision of a certified  
25 professional midwife, is educated to provide both basic and  
26 emergency care to newborns and mothers during labor, delivery,

1 and immediately postpartum, and who maintains Neonatal  
2 Resuscitation Program provider status and cardiopulmonary  
3 resuscitation certification.

4 "Midwifery bridge certificate" means a certificate issued  
5 by the North American Registry of Midwives that documents  
6 completion of accredited continuing education for certified  
7 professional midwives based upon identified areas to address  
8 education in emergency skills and other competencies set by  
9 the international confederation of midwives.

10 "Midwifery Education and Accreditation Council" or "MEAC"  
11 means the nationally recognized accrediting agency, or its  
12 successor, that establishes standards for the education of  
13 direct-entry midwives in the United States.

14 "National Association of Certified Professional Midwives"  
15 or "NACPM" means the professional organization, or its  
16 successor, that promotes the growth and development of the  
17 profession of certified professional midwives.

18 "North American Registry of Midwives" or "NARM" means the  
19 accredited international agency, or its successor  
20 organization, that has established and has continued to  
21 administer certification for the credentialing of certified  
22 professional midwives, including the administration of a  
23 national competency examination.

24 "Onset of care" means the initial prenatal visit upon an  
25 agreement between a licensed certified professional midwife  
26 and client to establish a midwife-client relationship, during

1 which the licensed certified professional midwife may take a  
2 client's medical history, complete an exam, establish a  
3 client's record, or perform other services related to  
4 establishing care. "Onset of care" does not include an initial  
5 interview where information about the licensed certified  
6 professional midwife's practice is shared but no  
7 midwife-client relationship is established.

8 "Pediatric health care professional" means a licensed  
9 physician specializing in the care of children, a family  
10 practice physician, or an advanced practice registered nurse  
11 licensed under the Nurse Practice Act and certified as a  
12 Pediatric Nurse Practitioner or Family Nurse Practitioner.

13 "Physician" means a physician licensed under the Medical  
14 Practice Act of 1987 to practice medicine in all of its  
15 branches.

16 "Postpartum period" means the first 6 weeks after  
17 delivery.

18 "Practice of midwifery" means providing the necessary  
19 supervision, care, and advice to a client during a low-risk  
20 pregnancy, labor, and the postpartum period, including the  
21 intended low-risk delivery of a child, and providing normal  
22 newborn care. "Practice of midwifery" does not include the  
23 practice of medicine or nursing.

24 "Qualified midwife preceptor" means a licensed and  
25 experienced midwife or other health professional licensed in  
26 the State who participated in the clinical education of

1 individuals enrolled in a midwifery education institution,  
2 program, or pathway accredited by the midwifery education  
3 accreditation council who meet the criteria for midwife  
4 preceptors by NARM or its successor organization.

5 "Secretary" means the Secretary of Financial and  
6 Professional Regulation.

7 "Supportive services" means simple routine medical tasks  
8 and procedures for which the midwife assistant or student  
9 midwife is appropriately trained.

10 (Source: P.A. 102-683, eff. 10-1-22.)

11 (225 ILCS 64/30)

12 (This Section may contain text from a Public Act with a  
13 delayed effective date)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 30. Illinois Midwifery Board.

16 (a) There is created under the authority of the Department  
17 the Illinois Midwifery Board, which shall consist of 9 members  
18 appointed by the Secretary: 5 of whom shall be licensed  
19 certified professional midwives, with initial appointees  
20 having at least 3 years of experience in the practice of  
21 midwifery in an out-of-hospital setting, be certified by the  
22 North American Registry of Midwives, and meet the  
23 qualifications for licensure set forth in this Act; one of  
24 whom shall be an Illinois licensed physician who specializes  
25 in obstetrics; one of whom shall be an Illinois licensed

1 advanced practice registered nurse who is a certified nurse  
2 midwife who provides home birth services; one of whom shall be  
3 a pediatric health care professional; and one of whom shall be  
4 a public member. Board members shall serve 4-year terms,  
5 except that in the case of initial appointments, terms shall  
6 be staggered as follows: 4 members shall serve for 4 years, 3  
7 members shall serve for 3 years, and 2 members shall serve for  
8 2 years. The Board shall annually elect a chairperson and vice  
9 chairperson. All board members must be residents of this  
10 State. All board members, except for the public member, must  
11 be licensed in good standing and, at the time of appointment,  
12 actively engaged in their respective professions.

13 (b) Any appointment made to fill a vacancy shall be for the  
14 unexpired portion of the term. Appointments to fill vacancies  
15 shall be made in the same manner as original appointments. No  
16 Board member may be reappointed for a term that would cause his  
17 or her continuous service on the Board to exceed 10 years.

18 (c) Board membership must have a reasonable representation  
19 from different geographic areas of this State, if possible.

20 (d) The Secretary may solicit board recommendations from  
21 midwifery organizations.

22 (e) The members of the Board may be reimbursed for all  
23 legitimate, necessary, and authorized expenses incurred in  
24 attending the meetings of the Board.

25 (f) The Secretary may remove any member of the Board for  
26 misconduct, incapacity, or neglect of duty at any time prior

1 to the expiration of his or her term.

2 (g) Five Board members shall constitute a quorum. A  
3 vacancy in the membership of the Board shall not impair the  
4 right of a quorum to perform all of the duties of the Board.

5 (h) The Board may provide the Department with  
6 recommendations concerning the administration of this Act and  
7 may perform each of the following duties:

8 (1) Recommend to the Department the prescription and,  
9 from time to time, the revision of any rules that may be  
10 necessary to carry out the provisions of this Act,  
11 including those that are designed to protect the health,  
12 safety, and welfare of the public.

13 (2) Recommend changes to the medication formulary list  
14 as standards and drug availability change.

15 (3) Participate in disciplinary conferences and  
16 hearings.

17 (4) Make recommendations to the Department regarding  
18 disciplinary action taken against a licensee as provided  
19 under this Act.

20 (5) Recommend the approval, denial of approval, and  
21 withdrawal of approval of required education and  
22 continuing educational programs.

23 (i) Members of the Board shall be immune from suit in an  
24 action based upon a disciplinary proceeding or other activity  
25 performed in good faith as a member of the Board, except for  
26 willful or wanton misconduct.

1 (Source: P.A. 102-683, eff. 10-1-22.)

2 (225 ILCS 64/40)

3 (This Section may contain text from a Public Act with a  
4 delayed effective date)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 40. Use of title. No person may use the title  
7 "licensed midwife" ~~7~~ to describe or imply that he or she is a  
8 licensed midwife ~~7~~ or represent himself or herself as a  
9 licensed midwife unless the person is granted a license under  
10 this Act or is licensed as an advanced practice registered  
11 nurse with certification as a nurse midwife.

12 (Source: P.A. 102-683, eff. 10-1-22.)

13 (225 ILCS 64/55)

14 (This Section may contain text from a Public Act with a  
15 delayed effective date)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 55. Expiration; renewal of licensure. The expiration  
18 date and renewal period for each license issued under this Act  
19 shall be set by rule. The holder of a license may renew the  
20 license during the month preceding the expiration date of the  
21 license by paying the required fee. It is the responsibility  
22 of the licensee to notify the Department in writing of a change  
23 of address required for the renewal of a license under this  
24 Act. ~~Applicants have 3 years from the date of application to~~



1 ~~complete the application process. If the process has not been~~  
2 ~~completed in 3 years, the application shall be denied, the fee~~  
3 ~~shall be forfeited, and the applicant must reapply and meet~~  
4 ~~the requirements in effect at the time of reapplication.~~

5 The Department may adopt rules for continuing education  
6 for licensed certified professional midwives licensed under  
7 this Act that require 20 hours of continuing education per  
8 2-year license renewal cycle. The rules shall address  
9 variances in part or in whole for good cause, including  
10 without limitation, illness or hardship. The rules must ensure  
11 that licensees are given the opportunity to participate in  
12 programs sponsored by or through their State or national  
13 professional associations, hospitals, or other providers of  
14 continuing education. Each licensee is responsible for  
15 maintaining records of completion of continuing education and  
16 shall be prepared to produce the records when requested by the  
17 Department.

18 Any licensed certified professional midwife who has  
19 permitted his or her license to expire or who has had his or  
20 her license on inactive status may have the license restored  
21 by applying to the Department and filing proof acceptable to  
22 the Department of his or her fitness to have the license  
23 restored, and by paying the required fees. Proof of fitness  
24 may include sworn evidence certifying to active lawful  
25 practice in another jurisdiction.

26 If the licensed certified professional midwife has not

1 maintained an active practice in another jurisdiction  
2 satisfactory to the Department, the Department shall  
3 determine, by an evaluation program established by rule, his  
4 or her fitness for restoration of the license and shall  
5 establish procedures and requirements for such restoration.

6 However, any licensed certified professional midwife whose  
7 license expired while he or she was (1) in federal or State  
8 service on active duty, or (2) in training or education under  
9 the supervision of the United States preliminary to induction  
10 into the military service, may have the license restored  
11 without paying any lapsed renewal fees if, within 2 years  
12 after termination of such service, training, or education, he  
13 or she furnishes the Department with satisfactory evidence to  
14 the effect that he or she has been so engaged and that his or  
15 her service, training, or education has been terminated.

16 (Source: P.A. 102-683, eff. 10-1-22.)

17 (225 ILCS 64/90)

18 (This Section may contain text from a Public Act with a  
19 delayed effective date)

20 (Section scheduled to be repealed on January 1, 2027)

21 Sec. 90. Annual Reports.

22 (a) A licensed certified professional midwife shall  
23 annually report to the Department of Public Health, by no  
24 later than March 31 of each year, in a manner specified by the  
25 Department of Public Health, the following information

1 regarding cases in which the licensed certified professional  
2 midwife assisted during the previous calendar year when the  
3 intended place of birth at the onset of care was an  
4 out-of-hospital setting:

5 (1) the total number of patients served at the onset  
6 of care;

7 (2) the number, by county, of live births attended;

8 (3) the number, by county, of cases of fetal demise,  
9 infant deaths, and maternal deaths attended at the  
10 discovery of the demise or death;

11 (4) the number of women whose care was transferred to  
12 another health care professional during the antepartum  
13 period and the reason for transfer;

14 (5) the number, reason for, and outcome of each  
15 nonemergency hospital transfer during the intrapartum or  
16 postpartum period;

17 (6) the number, reason for, and outcome of each urgent  
18 or emergency transport of an expectant childbearing  
19 individual in the antepartum period;

20 (7) the number, reason for, and outcome of each urgent  
21 or emergency transport of an infant or childbearing  
22 individual during the intrapartum or immediate postpartum  
23 period;

24 (8) the number of planned out-of-hospital births at  
25 the onset of labor and the number of births completed in an  
26 out-of-hospital setting;

1 (9) a brief description of any complications resulting  
2 in the morbidity or mortality of a childbearing individual  
3 or a neonate; and

4 (10) any other information required by rule by the  
5 Department of Public Health.

6 (b) (Blank). ~~The Board shall maintain the confidentiality~~  
7 ~~of any report under subsection (d).~~

8 (c) Notwithstanding any other provision of law, a licensed  
9 certified professional midwife shall be subject to the same  
10 reporting requirements as other health care professionals who  
11 provide care to individuals.

12 (d) (Blank). ~~Reports are confidential under Section 180 of~~  
13 ~~this Act.~~

14 (Source: P.A. 102-683, eff. 10-1-22.)

15 (225 ILCS 64/125)

16 (This Section may contain text from a Public Act with a  
17 delayed effective date)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 125. Rehearing. If the Secretary is satisfied that  
20 substantial justice has not been done in the revocation,  
21 suspension, or refusal to issue or renew a license, the  
22 Secretary may order a rehearing by the same or another hearing  
23 officer ~~or Board~~.

24 (Source: P.A. 102-683, eff. 10-1-22.)

1 (225 ILCS 64/130)

2 (This Section may contain text from a Public Act with a  
3 delayed effective date)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 130. Administrative review; certification of record.

6 (a) All final administrative decisions of the Department  
7 are subject to judicial review pursuant to the provisions of  
8 the Administrative Review Law, and all rules adopted pursuant  
9 thereto. "Administrative decision" has the same meaning as  
10 used in Section 3-101 of the Code of Civil Procedure.

11 (b) Proceedings for judicial review shall be commenced in  
12 the circuit court of the county in which the party applying for  
13 review resides, but if the party is not a resident of this  
14 State, venue shall be in Sangamon County.

15 (c) The Department shall not be required to certify any  
16 record to the court, to file an answer in court, or to  
17 otherwise appear in any court in a judicial review proceeding  
18 unless and until the Department has received from the  
19 plaintiff payment of the costs of furnishing and certifying  
20 the record, which costs shall be determined by the Department.  
21 ~~Exhibits shall be certified without cost.~~ Failure on the part  
22 of the plaintiff to file a receipt in court is grounds for  
23 dismissal of the action. During the pendency and hearing of  
24 any and all judicial proceedings incident to the disciplinary  
25 action, the sanctions imposed upon the accused by the  
26 Department because of acts or omissions related to the

1 delivery of direct patient care as specified in the  
2 Department's final administrative decision, shall, as a matter  
3 of public policy, remain in full force and effect in order to  
4 protect the public pending final resolution of any of the  
5 proceedings.

6 (Source: P.A. 102-683, eff. 10-1-22.)

7 (225 ILCS 64/150)

8 (This Section may contain text from a Public Act with a  
9 delayed effective date)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 150. Hearing officer. Notwithstanding the provisions  
12 of Section 140, the Secretary shall have the authority to  
13 appoint any attorney duly licensed to practice law in this  
14 State to serve as the hearing officer in any action for refusal  
15 to issue or renew, or for discipline of, a license. The hearing  
16 officer shall have full authority to conduct the hearing. The  
17 hearing officer shall report his or her findings of fact,  
18 conclusions of law, and recommendations to the Board and the  
19 Secretary. The Board shall ~~have 60 days after receipt of the~~  
20 ~~report to~~ review the report of the hearing officer and present  
21 their findings of fact, conclusions of law, and  
22 recommendations to the Secretary. If the Secretary disagrees  
23 in any regard with the report of the Board or hearing officer,  
24 he or she may issue an order in contravention thereof.

25 (Source: P.A. 102-683, eff. 10-1-22.)

1 (225 ILCS 64/160 rep.)

2 Section 10. The Licensed Certified Professional Midwife  
3 Practice Act is amended by repealing Section 160.

4 Section 95. No acceleration or delay. Where this Act makes  
5 changes in a statute that is represented in this Act by text  
6 that is not yet or no longer in effect (for example, a Section  
7 represented by multiple versions), the use of that text does  
8 not accelerate or delay the taking effect of (i) the changes  
9 made by this Act or (ii) provisions derived from any other  
10 Public Act.

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.