

**Department of State  
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 05-21-23  
Notice ID(s): 3637  
File Date: 5/12/2023

## Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Board of Osteopathic Examination
<b>Division:</b>	Council of Certified Professional Midwifery
<b>Contact Person:</b>	Ronda Webb-Stewart, Senior Associate Counsel
<b>Address:</b>	665 Mainstream Drive, Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-1611
<b>Email:</b>	<a href="mailto:Ronda.Webb-Stewart@tn.gov">Ronda.Webb-Stewart@tn.gov</a>

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	ADA Coordinator
<b>Address:</b>	710 James Robertson Parkway, Andrew Johnson Building, 5th Floor, Nashville, Tennessee 37243
<b>Phone:</b>	(615) 741-6354
<b>Email:</b>	<a href="mailto:Marci.Martinez@tn.gov">Marci.Martinez@tn.gov</a>

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Metro Center		
Address 2:	665 Mainstream Drive – Poplar Conference Room		
City:	Nashville		
Zip:	37228		
Hearing Date:	10/05/2023		
Hearing Time:	9:00 A.M.	<input checked="" type="checkbox"/> X CST/CDT	<input type="checkbox"/> EST/EDT

**Additional Hearing Information:**

--

**Revision Type (check all that apply):**

- ☒ Amendment  
☐ New  
☐ Repeal

**Rule(s)** (**ALL** chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1050-05	General Rules Governing Certified Professional Midwives
Rule Number	Rule Title
1050-05-.01	Definitions
1050-05-.09	Certification Renewal
1050-05-.12	Responsibilities of Certified Professional Midwife

Chapter 1050-05  
General Rules Governing Certified Professional Midwives

Amendments

Rule 1050-05-.01 Definitions is amended by adding new paragraphs (2), (3), and (7) and renumbering the remaining paragraphs accordingly, so that as amended, the new paragraphs shall read:

- (2) Collaborative Care Plan- An agreement, written or oral, between a physician and a midwife in which both parties agree to discuss the care of the midwife's client as stated in "Practice Guidelines" issued by the Tennessee Midwives Association on January 22, 2001 and amended on February 8, 2010 located at <https://www.tn.gov/health/health-program-areas/health-professional-boards/midwifery-board/midwifery-board/policies-and-practice-guidelines.html>.
- (3) Compensation - a payment, loan, advance, donation, contribution, deposit, gift of money, or anything of value.
- (7) Physician - a person who holds an unencumbered license in the state of Tennessee to either practice medicine by the state Board of Medical Examiners or to practice osteopathy by the Board of Osteopathic Examination.

Authority: T.C.A. §§ 63-9-101 and 63-29-116.

Rule 1050-05-.09 Certification Renewal is amended by deleting paragraph (3) in its entirety and substituting instead the following language, so that as amended, the new paragraph shall read:

- (3) Any renewal application received after the expiration date but before the last day of the month following the expiration date must be accompanied by the late renewal fee provided in Rule 1050-05-.06. There is a 60-day grace period following the expiration date of a professional midwife's certification. Any renewal application received after the expiration date but during the grace period must be accompanied by the late renewal fee provided in Rule 1050-05-.06. Any professional midwife who does not seek inactive status and allows the certificate to expire after the 60-day grace period must apply for a new certificate as outlined in Rule 1050-05-.05.

Authority: T.C.A. §§ 63-9-101, 63-29-111, and 63-29-116.

Rule 1050-05-.12 Continuing Education is amended by deleting the rule title and is further amended by adding new paragraphs (5), (6), (7), (8), (9), (10), (11), (12), and (13), so that as amended, the new title and paragraphs shall read:

1050-05-.12 Responsibilities of Certified Professional Midwife

- (5) The CPM-TN may provide care for the low-risk client who is expected to have a normal pregnancy, labor, birth and postpartum phase in the setting of the mother's choice. The CPM-TN shall establish a collaborative care plan with a physician for all clients. The name and contact information of the physician shall be placed in each client's chart.
- (6) The CPM-TN shall ensure that the client has signed an informed consent form. This form shall include information to inform the client of the qualification of the CPM-TN. The signed informed consent form shall be placed in each client's chart.
- (7) For screening purposes only, the CPM-TN may order routine antepartum and postpartum laboratory analysis to be performed by a licensed laboratory. Abnormal ultrasound findings as specified in the "Practice Guidelines" issued by the Tennessee Midwives Association on January 22, 2001 and amended on February 8, 2010 require a consultation with a physician. The "Practice Guidelines" are located at <https://www.tn.gov/health/health-program-areas/health-professional-boards/midwifery-board/midwifery-board/policies-and-practice-guidelines.html>. Written verification of such consultation, including the physician's recommendation, shall be placed in each client's chart.

- (8) The CPM-TN shall develop an emergency plan that shall be signed by the client and placed in the client chart at the initial visit . The CPM-TN shall consult with the physician previously referenced in subsection (a) a specified in the "Practice Guidelines" issued by the Tennessee Midwives Association on January 22, 2001 and amended on February 8, 2010. The "Practice Guidelines" are located at <https://www.tn.gov/health/health-program-areas/health-professional-boards/midwifery-board/midwifery-board/policies-and-practice-guidelines.html>. The emergency plan shall also include referral and transfer plans for the client in the event of an emergency. A copy of the emergency plan shall be sent to physician with whom the CPM-TN has a collaborative plan in place.
- (9) The CPM-TN shall determine the progress of labor and, when birth is imminent, shall be available until delivery is accomplished.
- (10) The CPM-TN shall remain with the postpartum mother during the postpartum period until the conditions of the mother and the newborn are stabilized. Should an emergency transfer become necessary, the CPM-TN shall notify the hospital named in the emergency plan and provide hospital staff with relevant health information including, but not limited to, labs and ultrasounds and may accompany mother to the hospital.
- (11) The CPM-TN shall instruct the client regarding the treatment of a newborn's eyes with a prophylaxis to prevent ophthalmia neonatorum or infections leading to blindness, as this is a requirement of Tennessee Code Annotated § 68-5-202. The CPM-TN shall document in the client's chart that such instructions were given.
- (12) The CPM-TN shall instruct the client regarding newborn infant testing for phenylketonuria, hypothyroidism, galactosemia and other metabolic/genetic defects that would result in intellectual disability or physical dysfunction as determined by the department, which is a requirement of Tennessee Code Annotated § 68-5-401. The CPM-TN shall document in the client's chart that such instructions were given.
- (13) The CPM-TN shall maintain a birth certificate for each client's live birth, by submitting certificate information with the Office of Vital Records. Each midwife shall complete the certificate of birth within ten (10) calendar days after the birth. The certificate of birth shall be created in accordance with the provisions of Tenn. Code Annotated Sections 68-3-301 et. seq. The CPM-TN shall enroll in the Tennessee Vital Records Information System Management (VRISM), within the Office of Vital Records, for purposes of registering a certificate of birth. If the CPM-TN is unable to enroll in VRISM, the certificate information may be submitted by completing the certificate process through the Office of Vital Records. The Office of Vital Records retains authority to preserve, issue, modify, and prescribe other means for filing certificates of birth.

Authority: T.C.A. §§ 63-9-101, 63-29-114, and 63-29-116.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 5/12/2023

Signature: Ronda Webb-Stewart

Name of Officer: Ronda Webb-Stewart

Title of Officer: Senior Associate Counsel, Department of Health

**Department of State Use Only**

Filed with the Department of State on: 5/12/2023



Tre Hargett  
Secretary of State

RECEIVED

May 12 2023, 2:40 pm

Secretary of State  
Division of Publications

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower  
Nashville, TN 37243  
Phone: 615-741-2650  
Email: [publications.information@tn.gov](mailto:publications.information@tn.gov)

**For Department of State Use Only**

Sequence Number: 09-08-23

File Date: 9/7/2023

## Cancellation of Rulemaking Hearing Form

<b>Agency/Board/Commission:</b>	Board of Osteopathic Examination
<b>Division:</b>	Council of Certified Professional Midwifery
<b>Contact Person:</b>	Ronda Webb-Stewart, Senior Associate Counsel
<b>Address:</b>	665 Mainstream Drive, Nashville, Tennessee
<b>Zip:</b>	37243
<b>Phone:</b>	(615) 741-1611
<b>Email:</b>	<a href="mailto:Ronda.Webb-Stewart@tn.gov">Ronda.Webb-Stewart@tn.gov</a>

**Cancelled Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	Metro Center			
Address 2:	665 Mainstream Drive – Poplar Conference Room			
City:	Nashville			
Zip:	37228			
Hearing Date:	10/05/2023			
Hearing Time:	9:00 A.M.	X	CST/CDT	EST/EDT

This cancellation refers to the following Notice of Rulemaking Hearing:

Cancelled Rulemaking Hearing Sequence Number: 05-21-23

Cancelled Rulemaking Hearing File Date: 5/12/2023

**Additional Hearing Cancellation Information:**

RECEIVED

Sep 07 2023, 10:33 am

Secretary of State  
Division of Publications

Date: 9/7/2023

Signature: Ronda Webb-Stewart

Name of Officer: Ronda Webb-Stewart

Title of Officer: Senior Associate Counsel, Department of Health