

**Annual List of Rulemaking Activity**  
**Rules Adopted January 1, 2021 to December 31, 2021**  
*Prepared by the Secretary of State pursuant to 5 MRS §8053-A sub-§5*

**Agency name:** Department of Professional and Financial Regulation,  
Office of Professional and Occupational Regulation,  
**Board of Complementary Health Care Providers**

**Umbrella-Unit:** **02-502**

**Statutory authority:** 32 MRS §§ 12503, 12516(1), 12526(3), 12533, 12534, 12535(3),(4),  
(5), 12537(2), (3),(4),(5), 12538, 12543(1)

**Chapter numbers/titles:** **Ch. 1**, Definitions  
**Ch. 4-A** (*New*), Licensure Requirement for Certified Professional  
Midwives  
**Ch. 4-B** (*New*), Licensure Requirements for Certified Midwives  
**Ch. 5**, Standards for Continuing Professional Education for  
Acupuncturists, Naturopathic Doctors, Certified Professional  
Midwives and Midwives  
**Ch. 6-A** (*New*), Standards Relating to Certified Professional Midwives  
Authority to Obtain and Administer Drugs, Medical Devices and  
Scope of Practice  
**Ch. 6-B** (*New*), Standards Relating to Certified Midwives'  
Prescriptive Authority and Scope of Practice  
**Ch. 7**, Grounds for Discipline

**Filing numbers:** **2021-046 to 052**

**Effective date:** 3/1/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**

The principal purpose to implement the Public Law 2016 ch. 502 that was enacted into law on April 29, 2016 (LD 690, *An Act to Ensure the Safety of Home Birth*). The rules clarify certain terms used in the practice of professional midwifery, sets standards for licensing professional midwives and certified professional midwives, update continued professional education requirements to include certified professional midwives and certified midwives and clarifies continuing education hardship requests and carry over hours for all licensees licensed by the Board, standards for certified professional midwife practice including authorization to order and interpret medical laboratory tests and ultrasound scanning and obtain equipment and supplies, standards relating to certified midwives' prescriptive authority and scope of practice, and updates the grounds for discipline to include certified professional midwives and certified midwives.

**Basis statement:**

Public Law 2016 ch. 502 that was enacted into law on April 29, 2016 (LD 690, *An Act to Ensure the Safety of Home Birth*). The purpose of the rules is to implement the licensing and practice requirements for professional midwives and certified professional midwives. The rules clarify certain terms used in the practice of professional midwifery, sets standards for licensing professional midwives and certified professional midwives, update continued professional education requirements to include certified professional midwives and certified midwives and clarifies continuing education hardship requests and carry over hours for all licensees licensed by the Board, standards for certified professional midwife practice including authorization to order and interpret medical laboratory tests and ultrasound scanning and obtain equipment and supplies, standards relating to certified midwives' prescriptive authority and scope of practice, and updates the grounds for discipline to include certified professional midwives and certified midwives.

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The initial Notice of Proposed Rulemaking was published on November 25, 2020. The Board held a hearing on December 16, 2020. The public comment period ended on December 28, 2020 at 5:00 p.m. EST.

*Note: The Board received an overwhelming number of comments on the matter of limitations on scope of practice for certified professional midwives, specifically as it relates to home births where the likelihood of multifetal gestation, breech presentations, and vaginal birth after a cesarean section (VBACs) conditions, as described in 32 MRS § 12536 section 1. The rule as proposed does not address midwives performing home births where there is a condition of vaginal birth after a cesarean section (VBACs), multifetal gestation or breech presentation because it did not have the statutory authority to unilaterally adopt rules on the limitations on scope of practice prior to January 2021. The Board appreciates all the comments received and will consider rulemaking in early 2021 to address the limitations on scope of practice.*

**Fiscal impact of rule:**

None.

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Office of Professional and Occupational Regulation,  
**Board of Complementary Health Care Providers**

**Umbrella-Unit:** **02-502**

**Statutory authority:** 32 MRS §§ 12503, 12536(2)

**Chapter numbers/titles:** **Ch. 6-C** (*New*), Standards for Vaginal Birth After Cesarean  
Section (VBAC)

**Filing numbers:** **2021-175**

**Effective date:** 9/4/2021

**Type of rule:** Routine Technical

**Emergency rule:** No

**Principal reason or purpose for rule:**  
*(See Basis Statement)*

**Basis statement:**

During its public hearing December 16, 2020 to adopt rules to implement the licensing and practice requirements for professional midwives and certified professional midwives, the Board received an overwhelming number of comments on the matter of limitations on scope of practice for certified professional midwives, specifically as it relates to home births where the likelihood of a vaginal birth after a cesarean section (VBAC) condition exists, as described in 32 MRS §12536 section 1. The rule proposed at the time did not address midwives performing home births where there is a condition of vaginal birth after a cesarean section (VBAC) because it did not have the statutory authority to unilaterally adopt rules on the limitations on scope of practice prior to January 2021. The purpose of this rule proposal is to address the limitations on scope of practice for standards for both Certified Midwives and CPMs when providing birth services for VBAC clients in a home of freestanding birth center (VBAC).

**Fiscal impact of rule:**  
None