

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out the title and substituting the following:

'An Act To Provide Access to Certain Medications to Certified Midwives'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 32 MRSA §13811 is enacted to read:

§ 13811. Drug administration by certified midwives under certain conditions

A midwife who can verify to a licensed pharmacist by certification card that the midwife has met the certification standards of an international certification agency whose mission is to establish and administer certification for the credential of certified professional midwife or other certifying body recognized by the board may:

1. Possession. Possess, in the course of the practice of midwifery, only the noncontrolled prescription drugs and substances set out in this subsection:

A. Oxygen;

B. Oxytocin, excluding the oxytocic drug methergine, for the sole purpose of postpartum control of maternal hemorrhage;

C. Vitamin K;

D. Eye prophylaxis; and

E. Local anesthetics or numbing agents for repair of lacerations; and

2. Administration. Administer, in the course of the practice of midwifery, those drugs that are listed in subsection 1. When administering oxytocin, a certified midwife may not administer more than 20 units of oxytocin to a single patient. Oxytocin may be administered only for postpartum purposes in order to treat hemorrhaging and specifically may not be used to induce labor. When a certified midwife administers oxytocin in accordance with this subsection, the certified midwife shall report that use to the maternal and child health division of the Department of Health and Human Services, the Maine Center for Disease Control and Prevention within 7 days of the use of oxytocin.

Sec. 2. 32 MRSA §13812 is enacted to read:

§ 13812. Dispensing of medication by pharmacist

1. Dispensing of medication. A pharmacist, who in good faith relies upon a certification card presented by a midwife identifying that the midwife has met the certification standards described under section 13811, may sell and dispense to the midwife the noncontrolled prescription drugs and substances identified in section 13811.

2. Good faith. A pharmacist, or person acting at the direction of a pharmacist, who:

A. In good faith sells and dispenses noncontrolled prescription drugs and substances to a midwife pursuant to this section is not liable for any adverse reactions caused by any method of use by the midwife; and

B. Makes a report relating to the dispensing of noncontrolled prescription drugs and substances to a midwife pursuant to section 13811 to an enforcement agency is immune from any civil liability that may result from that action, including, but not limited to, any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information.

In a proceeding in which a pharmacist, or person acting at the direction of a pharmacist, invokes the immunity provided pursuant to this section, there is a rebuttable presumption of good faith.

Sec. 3. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 32, chapter 117, subchapter 11, in the subchapter headnote, the words "noncontrolled prescription drug administration" are amended to read "noncontrolled prescription drug dispensing and administration" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.'

SUMMARY

This amendment is the minority report of the committee. The amendment replaces the bill and authorizes midwives certified by an international certification agency to possess and administer a limited number of noncontrolled prescription drugs and substances in the course of the practice of midwifery, including oxygen; oxytocin, excluding the oxytocic drug methergine, for the sole purpose of postpartum control of maternal hemorrhaging; vitamin K; eye prophylaxis; and local anesthetics or numbing agents for repair of lacerations. It requires midwives to report the use of the antihemorrhagic medication to the maternal and child health division of the Department of Health and Human Services, Maine Center for Disease Control and Prevention.

It provides that a pharmacist, acting in good faith, is not prohibited from selling and dispensing any of those drugs and substances to a midwife. A pharmacist, or person acting at the direction of a pharmacist, who in good faith sells and dispenses noncontrolled prescription drugs and substances to a midwife is not liable for any adverse reactions caused by any method of use by the midwife. A pharmacist, or person acting at the direction of a pharmacist, who makes a report to an enforcement agency is immune from any civil liability that may result from that action, including, but not limited to, any civil liability that might otherwise arise under state or local laws or rules regarding confidentiality of information. It also establishes a rebuttable presumption of good faith for pharmacists.