

HOUSE BILL NO. 392

INTRODUCED BY J. ETCHART, E. KERR-CARPENTER, K. ZOLNIKOV, T. MOORE, J. GILLETTE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO DIRECT-ENTRY MIDWIVES;  
EXPANDING THE ABILITY FOR DIRECT-ENTRY MIDWIVES TO OBTAIN AND ADMINISTER CERTAIN  
PRESCRIPTION DRUGS; REQUIRING CERTAIN EDUCATION PRIOR TO THE ABILITY FOR DIRECT-  
ENTRY MIDWIVES TO ADMINISTER DRUGS; REQUIRING DIRECT-ENTRY MIDWIVES TO ESTABLISH  
PROTOCOLS FOR DRUG ADMINISTRATION; PROVIDING RULEMAKING AUTHORITY; AND AMENDING  
SECTION 37-27-302, MCA ; ~~AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 37-27-302, MCA, is amended to read:

**"37-27-302. Administration of prescription drugs -- when prohibited -- exceptions when allowed  
-- protocols -- rulemaking. (1) ~~Except as provided in subsection (2) SUBSECTIONS (2) AND (3), a licensed~~  
direct-entry midwife may not dispense or administer prescription drugs ~~other than newborn vitamin K (oral or~~  
~~intramuscular preparations), pitocin (intramuscular) postpartum, xylocaine (subcutaneous), and, in accordance~~  
~~with administrative rules adopted by the department of public health and human services, prophylactic eye~~  
~~agents to newborn infants. These drugs may be administered only if prescribed by a physician.~~**

(2) A licensed direct-entry midwife who has successfully completed accredited courses in  
pharmacology and intravenous therapy APPROVED BY THE BOARD AND HAS OBTAINED A LICENSE ENDORSEMENT  
FROM THE BOARD may, during the practice of midwifery, directly obtain and administer the following:

- (a) oxygen;
- (b) postpartum antihemorrhagic agents, including:
  - (i) pitocin (intramuscular);
  - (ii) methylergonovine;
  - (iii) misoprostol;
  - (iv) tranexamic acid; and

- 1           (v) other postpartum antihemorrhagic drugs allowed by board rule;  
2           (c) injectable local anesthetics for the repair of up to second-degree lacerations;  
3           (d) antibiotics for group b streptococcus prophylaxis consistent with guidelines of the United States  
4 centers for disease control and prevention;  
5           (e) epinephrine administered for anaphylactic shock;  
6           (f) intravenous fluids for fluid replacement and administration of approved medications;  
7           (g) rho(d) immune globulin to prevent maternal immune sensitization to certain fetal blood types;  
8           (h) newborn vitamin K or phytonadione (oral or intramuscular preparations);  
9           (i) in accordance with administrative rules adopted by the department of public health and human  
10 services, prophylactic eye agents to newborn infants; and  
11           (j) OTHER medications as prescribed BY A MEDICAL PRACTITIONER OR NATUROPATHIC PHYSICIAN,  
12 including the use of devices as defined in 37-2-101.

13           (3) A LICENSED DIRECT-ENTRY MIDWIFE WHO HAS SUCCESSFULLY COMPLETED ACCREDITED COURSES IN  
14 PHARMACOLOGY PURSUANT TO SUBSECTION (2) MAY, DURING THE PRACTICE OF MIDWIFERY:

15           (A) DIRECTLY OBTAIN TERBUTALINE; AND

16           (B) ADMINISTER TERBUTALINE TO A PATIENT WHEN GIVEN A DIRECT ORDER TO DO SO FROM A LICENSED  
17 PHYSICIAN.

18           ~~(3)~~(4) A licensed direct-entry midwife who administers drugs under this section must establish written  
19 protocol, including but not limited to:

20           (a) procurement of prescription drugs, which must be procured from a wholesale drug distributor or  
21 pharmacy supplier licensed by the board of pharmacy provided for in 2-15-1733;

22           (b) storage, inventory control, and disposal of prescription drugs; and

23           (c) use and care of prescription drugs.

24           ~~(4)~~(5) The board may adopt rules to implement this section."

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26           ~~NEW SECTION. Section 2. — Effective date. [This act] is effective on passage and approval.~~

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