



DAVID Y. IGE  
GOVERNOR

JOSH GREEN  
LIEUTENANT GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

335 MERCHANT STREET, ROOM 310  
P.O. BOX 541

HONOLULU, HAWAII 96809  
Phone Number: 586-2850  
Fax Number: 586-2856  
cca.hawaii.gov

CATHERINE P. AWAKUNI COLÓN  
DIRECTOR

JO ANN M. UCHIDA TAKEUCHI  
DEPUTY DIRECTOR

October 28, 2019

Dear Task Force Members:

Thank you for allowing the Department of Commerce and Consumer Affairs (DCCA) to comment on the additional proposals discussed at your October 14, 2019, Midwives Task Force (Task Force) meeting as set forth below:

- Amend the definition of “Midwife”

The Task Force is recommending that the definition of “*Midwife*” be amended to “*Licensed midwife*”. The Task Force believes that this would allow an exempt birth attendant to be referred to as a “*Traditional midwife*”, a term that is included in the Oregon regulations for exempt midwives.

As previously stated in our Position Statement dated October 11, 2019, the intent of the law is to not only require licensure of “midwives” who meet the licensure requirements, but also to afford these individuals title protection. Restricting the use of a title to individuals who have fulfilled the requirements of midwifery licensure protects the public by clearly distinguishing those who are licensed from those who are not. Licensing a particular group of professionals tells consumers that the State has reviewed and approved the licensee to engage in a particular activity. Therefore, the DCCA would oppose this amendment.

- Amendment to § -8 Application for license as a midwife., to allow for recognition of the NARM PEP program as a pathway for midwife licensure

The Task Force discussed DCCA’s recommendation in our October 11, 2019 Position Statement, at which time, the DCCA offered the following:

“The DCCA also recommends the recognition of a CPM who completed the NARM Entry-Level Portfolio Evaluation Process (“PEP”) as this will allow another option to meet the midwife licensure requirements and recommends the following:

- (4) For certified professional midwives, proof of a successful completion of a formal midwifery education and training program that is either:
  - (A) An educational program or pathway accredited by the Midwifery Education Accreditation Council; or

- (B) A midwifery bridge certificate issued by the North American Registry of Midwives for certified professional midwife applicants who either obtained certification before January 1, 2020, through a non-accredited pathway, or who have maintained licensure in a state that does not require accredited education; or
- (C) The North American Registry of Midwives entry-level portfolio evaluation program.

At the October Task Force meeting, it was determined that the additional language as proposed in subsection (C) is not needed if the term “formal” is deleted as follows:

- (4) For certified professional midwives, proof of a successful completion of a ~~formal~~ midwifery education and training program that is either:”

The DCCA previously offered comments with support. As such, there is no change in our position.

- Amend § -6 Exemptions., delete “on or before July 1, 2023” repeal date for exempt birth attendants

This was proposed by Chairperson Duarte in her email dated October 14, 2019, in order to extend the repeal date of 2023 by two (2) years to 2025.

As DCCA provided in its October 11, 2019, Position Statement, the repeal date of 2023 is to allow the Legislative Auditor the appropriate amount of time to conduct a report of the last three (3) years the program was in effect to determine if the exemption should be extended or repealed.

In addition, it’s the DCCA’s position that the extension of the repeal date is not necessarily pursuant to the language contained in in Section 1, page 3, lines 5 – 11, which states:

This Act also exempts a separate category of birth attendants for a three-year period, to allow this community to define themselves and develop common standards, accountability measures, and disclosure requirements. By the end of the three-year period, the legislature intends to enact statutes that will incorporate all birth practitioners and allow them to practice to the fullest extent under the law. The legislature also notes that practicing midwifery according to this Act does not impede one's ability to incorporate or provide cultural practices.

As such, the DCCA would not support a two-year extension of the repeal date to 2025.

Again, thank you for allowing the DCCA to comment on the Task Force’s additional recommendations.

Mahalo nui loa,



Catherine P. Awakuni Colón  
Director  
Department of Commerce and Consumer Affairs