

**§ 90-178.4. Administration.**

(a) The joint subcommittee of the North Carolina Medical Board and the Board of Nursing created pursuant to G.S. 90-18.2 shall administer the provisions of this Article and the rules adopted pursuant to this Article; Provided, however, that actions of the joint subcommittee pursuant to this Article shall not require approval by the North Carolina Medical Board and the Board of Nursing. For purposes of this Article, the joint subcommittee shall be enlarged by four additional members, including two certified midwives and two obstetricians who have had working experience with midwives.

(a1) Any Certified Nurse Midwife who attends a planned birth outside of a hospital setting shall discuss with the patient the associated risks and obtain a signed informed consent agreement from the Certified Nurse Midwife's patient that shall include:

- (1) Information about the risks associated with a planned birth outside of the hospital.
- (2) A clear assumption of those risks by the patient.
- (3) An agreement by the patient to consent to transfer to a health care facility when and if deemed necessary by the Certified Nurse Midwife.
- (4) If the Certified Nurse Midwife is not covered under a policy of liability insurance, a clear disclosure to that effect.
- (5) The joint subcommittee shall develop the contents of an informed consent agreement form to be used by a Certified Nurse Midwife when obtaining informed consent.

(a2) Any Certified Nurse Midwife who attends a planned birth outside of a hospital setting shall provide to each patient a detailed, written plan for emergent and nonemergent transfer, which shall include:

- (1) The name of and distance to the nearest health care facility licensed under Chapter 122C or Chapter 131E of the General Statutes that has at least one operating room.
- (2) The procedures for transfer, including modes of transportation and methods for notifying the relevant health care facility of impending transfer.
- (3) An affirmation that the relevant health care facility has been notified of the plan for emergent and nonemergent transfer by the Certified Nurse Midwife.

(a3) Planned home births attended by a Certified Nurse Midwife shall be limited to low-risk pregnancies. Pregnancies deemed inadvisable for home births by the American College of Obstetricians and Gynecologists Committee on Obstetric Practice shall be prohibited. The joint subcommittee of the North Carolina Medical Board and the Board of Nursing created under G.S. 90-18.2, including the four additional members required by subsection (a) of this section, shall adopt rules governing the safety of home births attended by a Certified Nurse Midwife.

(b) The joint subcommittee shall adopt rules under this Article to establish each of the following:

- (1) A fee which shall cover application and initial approval up to a maximum of one hundred dollars (\$100.00).
- (2) An annual renewal fee to be paid by January 1 of each year by persons approved under this Article up to a maximum of fifty dollars (\$50.00).
- (3) A reinstatement fee for a lapsed approval up to a maximum of five dollars (\$5.00).
- (4) The form and contents of the applications which shall include information related to the applicant's education and certification by the American Midwifery Certification Board.
- (5) The procedure for establishing collaborative provider agreements as required by this Article.

(c) The joint subcommittee may solicit, employ, or contract for technical assistance and clerical assistance and may purchase or contract for the materials and services it needs.

(d) All fees collected on behalf of the joint subcommittee and all receipts of every kind and nature, as well as the compensation paid the members of the joint subcommittee and the necessary expenses incurred by them in the performance of the duties imposed upon them, shall be reported annually to the State Treasurer. All fees and other moneys received by the joint subcommittee pursuant to the provisions of the General Statutes shall be kept in a separate fund by the joint subcommittee, to be held and expended only for such purposes as are proper and necessary to the discharge of the duties of the joint subcommittee and to enforce the provisions of this Article. No expense incurred by the joint subcommittee shall be charged against the State.

(e) Members of the joint subcommittee who are not officers or employees of the State shall receive compensation and reimbursement for travel and subsistence expenses at the rates specified in G.S. 138-5. Members of the joint subcommittee who are officers or employees of the State shall receive reimbursement for travel and subsistence expenses at the rate set out in G.S. 138-6.

(f) The joint subcommittee shall have the authority to adopt, amend, and repeal rules necessary to administer the provisions of this Article. (1983, c. 897, s. 1; 1995, c. 94, s. 31; 2023-14, s. 4.3(d), (e); 2023-79, s. 2(c), (d).)