

MIDWIFE REGULATION LAW

Act of Apr. 4, 1929, P.L. 160, No. 155

Cl. 63

AN ACT

To provide for the better protection of the lives, bodies and health of new born children and parturient women, by providing for the licensing and the revocation of licenses of midwives; regulating the practice of midwifery; directing the State Board of Medical Education and Licensure to make such rules and regulations therefor as it deems advisable; requiring the Secretary of Health of the Commonwealth to supervise, control, and instruct midwives in the performance of their duties, and to enforce the provisions of this act; providing penalties; and repealing inconsistent acts.

Section 1. Be it enacted, &c., That upon and after the passage of this act, it shall be unlawful for any person or persons, except a duly licensed physician or osteopath, to practice midwifery in this Commonwealth, before receiving a certificate from the State Board of Medical Education and Licensure of the Commonwealth of Pennsylvania authorizing such person or persons so to do, and having said certificate registered in the office of the State Board of Medical Education and Licensure at Harrisburg, Pennsylvania.

Section 2. The State Board of Medical Education and Licensure shall formulate and issue such rules and regulations, from time to time, as may be necessary for the examination, licensing, and proper conduct of the practice of midwifery by midwives. The board, upon recommendation of the Secretary of Health, shall issue certificates to midwives having fulfilled the requirements laid down by the board, which certificates, and any certificates heretofore issued to any midwife under the provisions of any law of this Commonwealth, shall be revocable by the State Board of Medical Education and Licensure, on proof of violation of any of its rules and regulations, or the rules and regulations of the State Department of Health, or of any of the provisions of this act. The said board may refuse to grant a certificate to any person, and may revoke the license of any person, addicted to the use of alcohol or narcotic drugs, or who may have been guilty of a crime involving moral turpitude.

Section 3. Each and every applicant for a certificate to practice midwifery shall pay to the said Board of Medical Education and Licensure the sum of ten dollars (\$10.00) at the time of making such application. All fees that may be received by said board, from examination or any other source, shall be paid over to the Treasurer of this Commonwealth by the treasurer of the Board of Medical Education and Licensure, as may be provided by law for the payment over of fees collected by professional licensing boards.

Section 4. The Secretary of Health of the Commonwealth of Pennsylvania shall appoint not more than five physicians, who shall serve as inspectors of midwives and who shall maintain close supervision over, and control and instruct such midwives, in accordance with the directions and suggestions of the Secretary of Health. The provisions of this act shall be enforced by the Secretary of Health.

Section 5. Any person practicing midwifery as a profession, or advertising herself as a midwife, without first obtaining the certificate aforesaid, or lawfully holding a license under the laws of the Commonwealth, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman or magistrate of the county wherein such violation or offense

is committed, be sentenced to pay a fine of not less than ten dollars (\$10.00) and costs, nor more than one hundred dollars (\$100.00) and costs, such fine to be paid to the county in which the violation or offense is committed. In default of payment of such fine and costs, the offender shall be sentenced to be confined in the proper county jail for a period of not exceeding sixty days.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 6. Any person or persons, other than a regularly licensed physician or osteopath, who shall attend a woman in childbirth for hire, or who shall make a practice of attending women in childbirth gratuitously or for hire, shall be regarded as a midwife within the meaning of this act: Provided, That nothing in this section shall be construed to prevent anyone heretofore licensed under the provisions of any law of this Commonwealth and lawfully possessing a license from practicing midwifery, nor to prohibit a student of medicine or osteopathy, matriculated at, and in attendance at, a legally incorporated medical school or osteopathic college, licensed and approved by the State Board of Medical Education and Licensure or State Board of Osteopathic Examiners, from practicing obstetrics, under the supervision of the faculty of the medical school or osteopathic college in which he or she is a duly registered student.