

Shepherd’s Law Requirements for Unlicensed Midwives

The licensed and unlicensed practice of midwifery is governed by Shepherd’s Law, found at [59 O.S. § 3040.1 et seq](#) and [Oklahoma Administrative Code Title 310, Chapter 395](#). An unlicensed midwife is one who offers midwifery services or holds themselves out to be a midwife who is not licensed under Shepherd’s Law. Violation of any provision of Shepherd’s Law is subject to an administrative fine for each day found to be in violation. The Administrative Penalty Schedule can be found in Appendix A to Chapter 395, linked above. Reported violations of Shepherd’s Law are investigated and heard by the State Department of Health’s Advisory Committee on Midwifery.

Advertisements

An unlicensed midwife cannot use advertising or an identification statement that is false, misleading or deceptive; or use a title in an identification statement or advertising that would lead a reasonable person to believe that the midwife is certified.

For example, a midwife cannot advertise or represent that they are a physician or a graduate of a medical school unless they are licensed to practice medicine by the State Board of Medical Licensure and Supervision or the State Board of Osteopathic Examiners or can show proof of graduation from a medical school. Similarly, a midwife cannot, unless otherwise authorized by the Oklahoma Board of Nursing rules, use in combination with the term “midwife” the term “nurse” or another title, initial or designation that implies that the midwife is licensed as a Registered Nurse or vocational nurse.

Required Disclosure and Informed Consent Forms

Shepherd’s law requires the Advisory Committee on Midwifery to post on the State Department of Health’s website the Disclosure and Informed Consent Forms to be used by all midwives, regardless of licensure status.

At the outset of the professional relationship with a patient, all midwives must disclose, verbally and in writing on the Oklahoma Midwife Disclosure Form: the credentials they possess, the limitations of their skills and practices, whether they carry malpractice insurance, and the plan for emergencies and complications which includes the selection of a hospital in case of emergency.

The Informed Consent forms are to be used as required by the course of treatment.

Oklahoma Midwife Disclosure Form (required for all patients)	Emergency Transport Plan Template (midwife may substitute their own form)
Informed Consent Form	VBAC Informed Consent Form (required as needed)
Twins Informed Consent Form (required as needed)	Vaginal Breech Birth Informed Consent Form (required as needed)

For more information, please visit the Licensed Midwives Program website here: [Licensed Midwives Program \(oklahoma.gov\)](#)

Questions can be submitted to Consumer Health Service’s Licensed Midwives program area at CHSLicensing@health.ok.gov or by calling 405-426-8250.