



Do Nothing, Decriminalize, or License?

For years, ABC has sought legislation that would legalize and regulate Certified Professional Midwives out-of-hospital. Opposition to CPM licensure has led ABC to submit a decriminalization bill while continuing to work on future licensing efforts. This document provides a comparison of issues relevant to each stakeholder group regarding legalization of midwives to attend out-of-hospital births.

<i>State Interests</i>	<i>Consumer Interests</i>	<i>Current Law</i>	<i>Decriminalization</i>	<i>CPM Licensure</i>
Use of a national credential as a means to verify midwives' competence to practice safely	Use of a national credential to verify a midwives' training and qualifications	No	Yes	Yes
Ability to prevent unqualified birth attendants from practicing		No	Yes	Yes
	Ability for consumers to practice informed consent/refusal for all aspects of maternity care	No	Yes	Yes
	Protection from fraudulent complaints against midwives	No	Yes: No regulatory board available to receive complaints.	Yes: Board would respond to complaints.
	Process for handling valid complaints against midwives	No	Yes: Through the NARM grievance process	Yes: Through NARM and the Board
Process for handling valid complaints against midwives		No	No: NARM only acts on complaints filed by parents	Yes
Ability to confirm a midwife's license and malpractice status	Ability to confirm a midwife's license and malpractice status	No	No	Yes
Legal formulary of drugs that a midwife may use out of hospital	Legal formulary of drugs that a midwife may use out of hospital	No	No: Unless formulary added patterned after Maine	Yes: Board approves formulary in regulation
Medicaid savings from lower rates of pregnancy & birth interventions, higher breastfeeding rates	Third-party reimbursement for consumers who choose midwifery care at home	No	No: Impossible for unlicensed providers under any circumstances	Yes: Possible if federal or state reimbursement provisions pass



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<i>Hospital & Physician Interests</i>	<i>Midwife Interests</i>	<i>Current Law</i>	<i>Decriminalization</i>	<i>CPM Licensure</i>
Assurance that they are not liable for actions taken by mothers or out-of-hospital midwives		No	Yes	Yes
Clarification that out of hospital birth is not considered medical neglect	Legal recognition that midwifery is not the practice of medicine	No	Yes	Yes
Ability to develop a professional relationship with a midwife prior to client referral or transport	Ability to develop a professional relationship with physician, hospital prior to client referral or transport	No	Yes	Yes
Ability to receive midwife reports, client charts when collaboration or transport is required	Professional, respectful care of client when collaboration or transport is required	No	Yes	Yes
	Protection from excessive licensure fees and malpractice premiums	N/A	Yes	Yes
	Ability to obtain limited formulary of drugs for routine infant care and emergency treatment	No	No: Unless formulary added patterned after Maine	Yes: Board approves formulary in regulation
	Licensed midwives to be majority members of the board to regulate their profession	No	No	Yes
	Third-party reimbursement for midwifery care out-of-hospital	No	No: Impossible for unlicensed providers	Yes: Possible if additional provisions pass
	Rules and regulatory framework that is responsive to evidence-based guidelines	No	No	Yes: Scope of practice must be addressed in regulation, not statute
	Ability to practice full scope of CPM certification	No	No	Yes