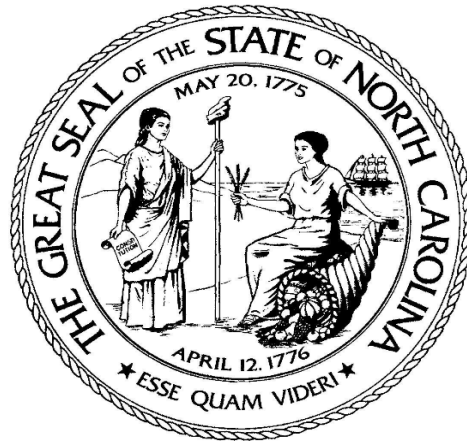


NORTH CAROLINA GENERAL ASSEMBLY



HOUSE SELECT COMMITTEE ON LICENSING MIDWIVES

REPORT TO THE 2009 SESSION of the 2009 GENERAL ASSEMBLY

DECEMBER 2008

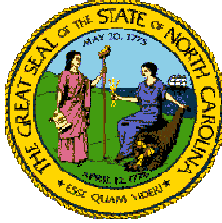
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TRANSMITTAL LETTER



House Select Committee on Licensing Midwives

December 30, 2008

TO THE MEMBERS OF THE 2009 GENERAL ASSEMBLY:

Attached for your consideration is the report of the House Select Committee on Licensing Midwives, established pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly.

The House Select Committee on Licensing Midwives, respectfully submits the following report.

Representative Marian McLawhorn
Co-Chair

Representative Dr. Bob England
Co-Chair



**Office of Speaker Joe Hackney
North Carolina House of Representatives
Raleigh, North Carolina 27601-1096**

**HOUSE SELECT COMMITTEE ON LICENSING MIDWIVES
TO THE HONORABLE MEMBERS OF THE
NORTH CAROLINA HOUSE OF REPRESENTATIVES**

Section 1. The House Select Committee on Licensing Midwives (hereinafter "Committee") is established by the Speaker of the House of Representatives pursuant to G.S. 120-19.6(a1) and Rule 26(a) of the Rules of the House of Representatives of the 2007 General Assembly.

Section 2. The Committee consists of the 12 members listed below, appointed by the Speaker of the House of Representatives. Members serve at the pleasure of the Speaker. The Speaker may dissolve the Committee at any time.

Representative Bob England, M.D., Co-Chair
Representative Marian N. McLawhorn, Co-Chair
Representative Alma Adams
Representative William A. Current, Sr.
Representative Ty Harrell
Representative Wil Neumann
Representative Charles C. Thomas
Representative W. A. "Winkie" Wilkins
Ms. Becky Bagley, Pitt County
Ms. Kathy Higgins, Orange County
Ms. Caron Jones, Chatham County
Ms. Ginny Williams, Beaufort County

Section 3. The Committee shall study the needs of North Carolinians who choose to give birth at home and consider allowing the licensing of Certified Professional Midwives.

Section 4. The Committee shall meet upon the call of its Co-Chairs. A quorum of the Committee shall be a majority of its members.

Section 5. The Committee, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and Article 5A of Chapter 120 of the General Statutes.

Section 6. Members of the Committee shall receive per diem, subsistence, and travel allowance as provided in G.S. 120-3.1.

Section 7. The expenses of the Committee including per diem, subsistence, travel allowances for Committee members, and contracts for professional or consultant services shall be paid upon the written approval of the Speaker of the House of Representatives pursuant to G.S. 120-32.02(c) and G.S. 120-35 from funds available to the House of Representatives for its operations. Individual expenses of \$5,000 or less, including per diem, travel, and subsistence expenses of members of the Committee, and clerical expenses shall be paid upon the authorization of the Co-Chair of the Committee. Individual expenses in excess of \$5,000 shall be paid upon the written approval of the Speaker of the House of Representatives.

Section 8. The Legislative Services Officer shall assign professional and clerical staff to assist the Committee in its work. The Director of Legislative Assistants of the House of Representatives shall assign clerical support staff to the Committee.

Section 9. The Committee may meet at various locations around the State in order to promote greater public participation in its deliberations. The Legislative Services Commission shall grant adequate meeting space to the Committee in the State Legislative Building or the Legislative Office Building.

Section 10. The Committee may submit an interim report on the results of the study, including any proposed legislation, on or before May 1, 2008, by filing a copy of the report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee shall submit a final report on the results of its study, including any proposed legislation, to the members of the House of Representatives on or before December 31, 2008, by filing the final report with the Office of the Speaker of the House of Representatives, the House Principal Clerk, and the Legislative Library. The Committee terminates on December 31, 2008, or upon the filing of its final report, whichever occurs first.

Effective this 3rd day of December, 2007.



Joe Hackney, Speaker

COMMITTEE PROCEEDINGS

The House Select Committee on Licensing Midwives met three times from February 13, 2008 until November 18, 2008.

The House Select Committee on Licensing Midwives heard from the individuals listed below during the specified meeting dates.

February 13, 2008

- Dr. Hadley Callaway, President, North Carolina Medical Society, provided information on the risks associated with home births.
- Russ Fawcett, Legislative Chair, North Carolina Friends of Midwives, discussed the benefits of licensing Certified Professional Midwives.
- Sonya Stone, Asheville Area Birth Network, spoke about her experiences as an advocate for Certified Professional Midwives.
- Thomas Mansfield, Director, Legal Department, North Carolina Medical Board, gave an overview of the current law on midwifery and described the North Carolina Medical Board's participation in the North Carolina Midwifery Joint Committee.
- Dr. Frank Harrison, Carolinas Medical Center, Past President, North Carolina Obstetrical and Gynecological Society, spoke about the Society's upcoming meeting to discuss Certified Professional Midwives and the dangers related to home births.

March 19, 2008

- Becky Bagley, Interim Director, Nurse-Midwifery Education Program, East Carolina University School of Nursing and D. Elizabeth Jesse, Associate Professor, Family Community Nursing, East Carolina University School of Nursing provided information on the training and education for Certified Nurse Midwives.
- Ida Darragh, Certified Professional Midwife, North American Registry of Midwives gave an overview of national training and education requirements for Certified Professional Midwives.

- Dr. Ed Newton, Chair, Department of Obstetrics and Gynecology, Brody School of Medicine, East Carolina University discussed the relationship between doctors and midwives.

November 18, 2008

- Sid Evans, Statistician, State Center for Health Statistics, provided information on the location and the attendants present at live births in North Carolina from 2003-2007.
- Russ Fawcett, Legislative Chair, North Carolina Friends of Midwives presented information on how licensing Certified Professional Midwives could help meet the needs of home birthing families in North Carolina.
- Maureen Darcy, Chair, North Carolina Midwifery Joint Committee, spoke about her experiences as a Certified Nurse Midwife.

FINDINGS AND RECOMMENDATIONS

FINDINGS:

In presentations to the House Select Committee on Licensing Midwives (Committee), the Committee heard from a range of individuals and organizations on the issue of lay midwife participation in childbirths in this State. Numerous states currently license lay midwives to assist with childbirths, and North Carolina remains one of only four states requiring physicians to sign birth certificates for deliveries assisted by Certified Nurse Midwives (CNMs). Information presented to the Committee indicated that rates of successful live births in the states that license Certified Professional Midwives (CPMs) did not differ significantly from pre-licensure rates, and that the number of deliveries at home and birthing centers did not grow significantly following the establishment of a licensure mechanism for CPMs in those states.

The Committee finds that the current system of physician supervised CNMs does not meet the needs of North Carolinians who chose births in non-hospital settings because of the extremely limited supply of obstetricians and CNMs offering to assist with births in these settings.

The Committee also finds that while there is an interest and possible need for the licensure of CPMs in this State, several issues remain unresolved and require further attention and response in order to proceed safely with the development of a licensure mechanism for CPMs in this State:

- Education and training – The Committee finds that the educational requirements proposed for CPM training in this State do not appear to be sufficient to assure the safety and welfare of those in their care. As such, the Committee recommends that CPM licensure in this State require at least the level of education and training that is required by the American Midwifery Certification Board. This shall include the educational standard to be implemented by the AMCB in 2010, requiring that all applicants for CPM licensure have successfully completed at least a master's degree level of education in the appropriate areas of expertise.
- Insurance Coverage/Liability Protection – The Committee finds that current practice appears to allow for facility-based insurance coverage but not for individual coverage of CPMs. As such, any proposal for licensure of CPMs in this State must provide for insurance coverage of these newly-licensed CPMs, regardless of the setting in which they practice.

RECOMMENDATION:

The House Select Committee on Licensing Midwives recommends that the General Assembly enact legislation directing the North Carolina Midwifery Joint Committee to work with the North Carolina Obstetrical and Gynecological Society, the North Carolina Section of the American College of Obstetricians and Gynecologists, and other interested parties, to develop and propose standards and procedures for licensing Certified Professional Midwives in North Carolina.

PROPOSED LEGISLATION

Draft 2009-RD-1

"A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA MIDWIFERY JOINT COMMITTEE TO DEVELOP A PROPOSAL TO ESTABLISH LICENSURE OF CERTIFIED PROFESSIONAL MIDWIVES IN THIS STATE, IN COLLABORATION WITH THE NORTH CAROLINA OBSTETRICAL AND GYNECOLOGICAL SOCIETY, THE NORTH CAROLINA SECTION OF THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, AND OTHER INTERESTED PARTIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON LICENSING MIDWIVES."

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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BILL DRAFT 2009-RD-1 [v.2] (11/18)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

Short Title: Midwifery Joint Committee - Licensure of CPM. (Public)

Sponsors: Representatives England and McLawhorn (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE NORTH CAROLINA MIDWIFERY JOINT COMMITTEE TO DEVELOP A PROPOSAL TO ESTABLISH LICENSURE OF CERTIFIED PROFESSIONAL MIDWIVES IN THIS STATE, IN COLLABORATION WITH THE NORTH CAROLINA OBSTETRICAL AND GYNECOLOGICAL SOCIETY, THE NORTH CAROLINA SECTION OF THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, AND OTHER INTERESTED PARTIES, AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON LICENSING MIDWIVES.

The General Assembly of North Carolina enacts:

SECTION 1. The Midwifery Joint Committee of the State of North Carolina shall develop and propose a methodology for licensing Certified Professional Midwives in this State. In developing a licensure methodology, the Committee shall collaborate with the North Carolina Obstetrical and Gynecological Society, the North Carolina Section of the American College of Obstetricians and Gynecologists, and other interested parties. The proposed methodology shall establish standards for education and training of CPMs that are at least as stringent as those put forth by the American Midwifery Certification Board, and shall require that CPMs maintain insurance liability coverage regardless of the setting in which they practice.

SECTION 2. The Committee shall report its recommendations and legislative proposals to the 2010 regular session of the 2009 General Assembly on or before the convening of that session.

SECTION 3. This act is effective when it becomes law.

APPENDIX

**Membership of the House Select Committee
on Licensing Midwives**

Membership List

Representative Bob England, M.D., Co-Chair	
Representative Marian N. McLawhorn, Co-Chair	
Representative Alma Adams	
Representative William A. Current, Sr.	
Representative Ty Harrell	
Representative Wil Neumann	
Representative Charles C. Thomas	
Representative W. A. "Winkie" Wilkins	
Ms. Becky Bagley, Pitt County	
Ms. Kathy Higgins, Orange County	
Ms. Caron Jones, Chatham County	
Ms. Ginny Williams, Beaufort County	
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