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### **Panel Concludes that Practice of Midwifery Should Be Made Legal**

The practice of lay midwifery should be made legal in Ohio and legal ambiguities on the issue should be resolved to prevent prosecution of either direct entry midwives **or the parents who** choose to use them to deliver their babies, a majority of a study panel created by the General Assembly has concluded.

The recommendation, endorsed by eight of the 11 members of the Direct Entry Midwifery Study Council, was contained in the panel's final report that was recently released. The panel was created by a law (SB

154, 121st General Assembly) dealing with the nursing profession. Although Ohio law contains provisions governing the practice of nurse-midwifery, it does not expressly prohibit the practice by those who are not nurses. Until the legislature clarifies the law or a court makes an interpretation, the legal status of lay midwifery will remain unclear, the panel's report points out.

The panel met eight times from November 1996 to November 1997 and submitted its findings and recommendations to legislative leaders. Members noted that the midwifery issue generated great public interest.

All of the lawmakers on the panel favored legalization, including Senators Merle Grace Kearns (R-Springfield) and Rhine McLin (D-Dayton) and Reps. Joan Lawrence (R-Galena) and Vermel Whalen (D-Cleveland). Others supporting this recommendation were consumer advocate members Christopher Celeste and Holly Christensen, direct entry midwife Abby J. Kinne and certified nurse-midwife Nancy K. Lowe.

These eight members also urged the creation of a voluntary registry for direct entry midwives at the Ohio Department of Health or local board of health that would be available to the public and that the practice be coupled with some type of informed consent to ensure that parents are educated and to protect the midwife. They also suggested the department be required to prepare a brochure available to parents on their delivery options.

Co-Chairs Kearns and Lawrence said up to 1,000 planned births take place at home in Ohio each year. Because the use of midwives is a choice that crosses economic, geographic and religious lines, they said it is not appropriate to simply consider an exemption along religious lines. They said Ohio law should provide a clear understanding of the differences among providers of birthing services so that parents can make a clear informed choice and accept responsibility for it.

Departing from the majority view, council members Dr. Donald Keith Bryan, representing the Ohio State Medical Association; Dr. Carol Egner, representing the State Medical Board; and Mary Ann Rosencrans, representing the Ohio Board of Nursing; recommended that direct entry midwifery be prohibited unless the midwife can demonstrate competencies, educational preparation and training that is equivalent to a certified nurse-midwife.

Certified nurse-midwives must undergo a rigorous educational program in both nursing and midwifery. Beginning in 2001, the minimum academic preparation will be at the master's degree level. Dr. Bryan said the recommendation to merely register anyone who would like to perform deliveries is not in the best interests of the safety and welfare of mothers and babies. "This simply means we could allow nearly anyone to deliver a baby and certainly our society is well beyond that point," he said. "This could include social deviants and criminals. It could also include physicians and nurses who have failed to maintain accreditation."

Raising the possibility of complications and the presence of certain risk factors during pregnancy, Dr. Egner said the State Medical Board believes that a physician is best suited by education and training to deal with such risks. Noting that

childbearing can be dangerous and often unpredictable, the Ohio Board of Nursing said training of non-nurse midwives can range anywhere from an apprenticeship to a formal training program. "Without some regulation of nonnurse midwives by the state, there is no means to assure competency or to protect the public from those who lack the knowledge, skills and ability to be a safe practitioner," the board said, while adding that the regulation of any midwifery practitioner who is not a certified nurse-midwife should be consistent with those already established for certified nurse-midwives.

Ms. Christensen, whose two sons were born at home with the assistance of lay midwives, said it should not come as shock that representatives of the State Medical Board, Ohio State Medical Association and Ohio Board of Nursing voted against the majority opinion of the council. She said their stance indicates concern for their own financial wellbeing since medical practitioners have the most to lose as midwifery grows in public acceptance.