

Professional Midwife Licensing Bill Opposition to SB 1754 (Martinez) and SFA#2 (Martinez)

Summary: The proposed legislation creates the Home Birth Safety Act and provides for the licensing and regulation of **professional (often called “lay”)** midwives.

Detail: The proposed legislation would allow professional (lay) midwives with as little as a high school diploma and 50 hours of training to practice independently and deliver babies and perform resuscitation if necessary; episiotomies (incisions into the vagina) and subsequent suturing; and, delivery of certain medicines – all without a doctor’s order.

Notwithstanding the proposed legislation, a pathway already exists in Illinois through which a person can become a **certified nurse midwife**, allowing them to practice in a collaborative environment to provide home births. SB 1754 and SFA#2 ignore this pathway.

SFA#2 removes providers’ vicarious liability protections from the original bill.

The opponents listed below are opposed to SB 1754 and SFA#2 based upon the **increased likelihood for negative health outcomes for the mother and baby** and **exposure to liability – even if they provided no care or consultation to the mother**.

1. Outcomes

- An Oregon study finds that neonatal death rates are twice as high for out-of-hospital births than in-hospital births¹.
- Colorado data shows neonatal death rates from professional midwifery is 3 times higher².
- The risk outcomes under SB 1754 are even more concerning considering that professional, or lay, midwives would be allowed to practice independent of a physician.

2. Liability

- Jury awards and financial liability can be very high for births with adverse outcomes.
- The proposed legislation allows a professional (lay) midwife to practice independently. It only requires a midwife home delivery plan to have a birth plan that includes listing a physician or hospital in case emergency care is needed.
- Births via lay midwifery that go bad expose physicians and hospitals to high vicarious liability.
- The bill as introduced provides some vicarious liability protection to physicians and hospitals. SFA#2, an amendment initiated by the Illinois Trial Lawyers Association, removes this protection.

Opponents: Illinois State Medical Society
Illinois Osteopathic Medical Society
March of Dimes
Advocate HealthCare
Rush University Medical Center

Illinois Academy of Family Physicians
Illinois Chapter, American Academy of Pediatrics
Northwestern Medicine
Carle Foundation Hospital
Loyola University Medical Center

¹ <http://www.nejm.org/doi/full/10.1056/NEJMsa1501738#t=article>

² <http://homebirthdeathstatistics.blogspot.com/2012/07/no-wonder-colorado-homebirth-midwives.html>