



## The Midwifery Modernization Act

The Midwifery Modernization Act (Legislative Bill A8117/S5007) will simply remove a requirement for midwives to have a written practice agreement with a physician as a prerequisite to practice, amending the Midwifery Practice Act (Article 140 of the Education Law).

### **Midwives provide high quality, safe care**

Midwifery care is a unique model of health care that demonstrates superior safety for New York women and infants. Midwifery care reduces the rates of cesarean section, neonatal mortality, and low birth weight as compared to traditional obstetrical care. The best health care systems in the US and globally assure women have access to the midwifery model of care.

### **Midwives are needed to provide greater access to health care for women in underserved areas of NY**

The requirement for a written practice agreement is a barrier to receiving quality health care for women. Removing this requirement will enhance choices and increase access to health care services – especially in New York's rural and lower income urban areas, where the shortages of primary care providers and health disparities are most acute. Midwives serve a large proportion of Medicaid, uninsured, and minority patients.

### **Midwives are highly educated, independent health care providers**

Midwives licensed in NY are qualified and recognized as independent women's health care providers. A licensed midwife must successfully complete a graduate level education program registered by the New York State Education Department and must pass a rigorous national certifying exam approved by the American College of Nurse Midwives.

### **Midwives consult with physicians appropriately without a written practice agreement**

In accordance with their professional standards, scope of practice, and ethical obligations, licensed midwives consult with and refer to other appropriate providers as needed. This is a necessary component of primary health care, which is exercised by all physician providers as well. Physician specialists such as OB/GYNs consult as a professional duty.

### **Midwives are finding that physicians are less willing to sign a written practice agreement**

The crisis in medical malpractice affects both OB/GYNs and licensed midwives. In many areas of the state, physicians have become reluctant to sign practice agreements due to a perception of liability for patients they may never see. Medical malpractice insurers have increasingly restricted how the OB/GYN physicians they insure can collaborate with midwives, thus preventing some supportive physicians from signing practice agreements with midwives.

### **Midwives are prevented from practicing without a signed written practice agreement**

The requirement for a written practice agreement has caused a restraint of trade for midwives; they cannot practice if they cannot find a physician willing to sign an agreement. Even when midwives are able to obtain an agreement, successful midwives can lose their livelihoods if the OB/GYN decides to discontinue practicing obstetrics, retires, becomes ill, moves away, or dies. Some physicians view midwives as competitors and refuse to sign these agreements for economic reasons.

### **Midwives save Medicaid and the health system money**

Removing the requirement for a written practice agreement will not cost the state anything! In fact, increasing access to midwifery care will likely result in significant savings for Medicaid and private insurers, as midwifery care has been shown to be extremely cost effective.

### **Midwives do not need a written practice agreement in many other states**

Currently, 15 states authorize midwifery practice without a required written practice agreement: AK, AZ, CT, DC, ID, IA, ME, MN, NH, NM, OR, RI, WA, WY, and NJ (pending).

Licensed midwives need to be recognized as full contributors to New York's health care delivery system in order to ensure that women and babies in the state, including those in under-served areas, have access to comprehensive and quality health care.