



State of Louisiana

Department of Health and Hospitals
Office of the Secretary

December 14, 2011

The Honorable Charles "Bubba" Chaney
Louisiana State Representative, District 19
P.O. Box 8
Rayville, LA 71269

RE: HCR 180 of the 2011 Regular Session of the Louisiana Legislature

Dear Representative Chaney,

HCR 180 of the 2011 Regular Session of the Louisiana Legislature ("HCR 180") charged the Department of Health and Hospitals and the Board of Regents to jointly study the effectiveness and advisability of the structure of the licensure and certification for midwives as currently provided in the Louisiana Midwife Practitioners Act, to determine the most appropriate agency or organization to provide oversight for licensure and certification, and to report study findings to the House Committee on Health and Welfare, the Senate Committee on Health and Welfare, the House Committee on Education and the Senate Committee on Education no later than sixty days prior to convening of the 2012 Regular Session of the Louisiana Legislature.

This correspondence serves as the joint response of the Department of Health and Hospitals (DHH) and the Board of Regents (BoR). Shortly after conclusion of the 2011 Legislative Session, representatives from DHH, BoR and the South Louisiana Community College had the opportunity to visit Gentle Choices Birthing Center in Lafayette, LA. During this visit state agency representatives toured the facility and had meaningful discussion with practicing midwives and parents who used the midwife birthing center for the birth of their daughter.

In August 2011, DHH and BoR convened a stakeholder meeting that included representatives from the LA State Board of Medical Examiners, Midwives Advisory Council, LA State Board of Nursing, North American Registry of Midwives, South Louisiana Community College, and Gentle Choices Birthing Center. Based on the meaningful discussions held during that meeting and upon review of the wealth of information provided for research purposes, DHH and BoR jointly recommend that the LA Board of Medical Examiners continues to be the most appropriate agency to provide oversight for licensure and certification of non-nurse midwives in Louisiana.

Licensure and Certification of Midwives

According to the Midwives Alliance of North America, 26 states regulate the practice of midwifery. Among the states there is a wide variation of regulatory bodies, requirements for licensure and standards for practice. In Louisiana, DHH does not license or regulate health care professionals, only facilities. For example, DHH licenses hospitals and ambulatory surgical

centers, but not the physicians or nurses that provide health care services in such facilities. Thus, DHH was not considered an appropriate agency for oversight for licensure and certification of midwives. There is no other state agency that was identified as a viable option.

In Louisiana, health care professionals are licensed and certified by statutorily created licensing boards. While these boards are statutorily created within DHH, they operate independent of DHH and regulate the professionals within their scope of practice through rules properly promulgated in accordance with the Administrative Procedures Act (APA). DHH and BoR jointly agreed that establishment of a new licensing board for non-nurse midwives to self-regulate their own industry was also not a viable option.

After elimination of DHH or creation of a new licensing board as options, DHH and BoR reviewed the current processes in place in determining the most appropriate agency or organization to provide oversight for the licensure and certification of midwives. For purposes of this correspondence there are two classes of midwives; nurse midwives who are licensed and certified by the LA State Board of Nursing (LSBN) and non-nurse midwives who are licensed by the LA State Board of Medical Examiners (LSBME). There are currently 40 certified nurse midwives licensed by LSBN and 8 non-nurse midwives licensed by LSBME. DHH and BoR do not believe that nurse midwives are the focus of this resolution and thus their placement under LSBN is not of issue in this report. That leaves for decision making the licensure of non-nurse midwives currently licensed and certified by LSBMS.

By way of background, upon completion of the specified educational program and meeting certain other requirements graduates of these programs are eligible for certification by the American College of Nurse-Midwives or by the North American Registry of Midwives. As such they are known as certified nurse midwives (CNM) or certified professional midwives (CPM) respectively

After in person discussion and review of the materials provided by all interested parties, DHH and BoR find jointly that the most appropriate agency to provide oversight for licensure and certification of non-nurse midwives continues to be the LSBME. In fact, during our stakeholder meeting in August 2011, it became clear that the root of the concerns that prompted the resolution were the rules governing licensure and certification of midwives more so than a dispute over the appropriateness of placement within LSBME. DHH and BoR therefore suggest that the non-nurse midwives work with LSBME to amend current licensing standards set forth in rule. Amending the rules would get both the non-nurse midwives and the LSBME beyond any difficulties currently being experienced by either party.

Expansion of Midwife Practices in Louisiana

As DHH and BoR researched information in order to comply with HCR 180, a significant advancement in the expansion of midwife practices in Louisiana occurred. The South Louisiana Community College (SLCC), BoR, Louisiana Community and Technical College System has established the state's first midwife training program. This approval came after fourteen months of negotiations between the parties on course descriptions, proposed curriculum and the overall need for such a program. The LSBME approved the new program in October 2011.

The SLCC program will offer students the opportunity to earn an associate degree of applied science in midwifery upon completion of a new 30 month program. SLCC anticipates having more than 30 students enrolled in the midwife program by the 2015/16 school year. Upon earning the associate degree, the student can take the North American Registry of Midwives national exam for certification. State licensure would still be administered by LSBME.

SLCC plans to seek accreditation from the Midwifery Education Accreditation Council (MEAC) which sets standards and criteria for direct entry midwife programs. According to the MEAC there are only nine institutions in the U.S. that offer accredited programs.

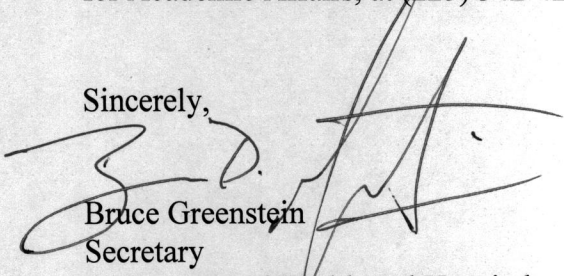
The many discussions of the parties were professional and respectful and have led to a midwife program design that should have a greater likelihood of support and acceptance from the medical community. The BoR affirms that the LSBME is the appropriate licensing body and urges continued collaboration and dialogue to ensure a quality academic response to workforce needs and student demand through public education programming opportunities.

Conclusion


To conclude, all parties agreed during the stakeholder meeting and throughout the research done to prepare this correspondence that the ideal model of care is collaborative. To have successful birthing centers outside of the hospital setting and see the advancement of midwifery in Louisiana there must be a strong collaboration between the midwives and physicians. Maintaining oversight of licensure and certification within LSBME will help foster that collaboration. And, addressing concerns in current licensing rules will get both parties past any current difficulties.

DHH and BoR thank you for the opportunity to research this issue. If you should have any questions or concerns regarding the information contained in this correspondence, please feel free to contact Christine Arbo Peck, DHH Director of Legislative and Governmental Relations, at (225) 342-5274 or christine.peck@la.gov or Dr. Karen Denby, BoR Associate Commissioner for Academic Affairs, at (225) 342-4253 or karen.denby@regents.la.gov.

Sincerely,



Bruce Greenstein
Secretary
Department of Health and Hospitals
628 N. Fourth Street
Baton Rouge, LA 70802



Jim Purcell, Ed. D
Commissioner of Higher Education
Board of Regents
1201 N. Third Street
Baton Rouge, LA 70802