



March 23, 2020

Dear Governor Cuomo and associates,

The New York State Association of Licensed Midwives (NYM) is the professional organization representing the interests of midwives as providers of reproductive health care for women and families in New York. NYM condemns the arrest of Elizabeth Catlin and Melissa Carman for Unlawful Practice of a Profession. The position of our professional organization is that all charges be dropped. Additionally, in light of the crisis related to health system strains responding to the COVID-19 pandemic, NYM urges Governor Cuomo to issue an Executive Order granting CPMs licensure to practice midwifery within the scope of their certification – reproductive health services within the community setting.

Ms. Catlin and Ms. Carman are Certified Professional Midwives (CPMs) who have met the standards of education currently legally recognized in 35 other states in the US, including Washington DC. Their education is compliant with standards of the US Midwifery Education, Regulation & Association (US MERA), and the International Confederation of Midwives, both of whom the American College of Nurse Midwives acknowledges as co-experts in midwifery.

Throughout the US, CPMs provide severely needed, safe, and competent care to communities situated remotely from maternity care providers and facilities, what we call maternity care deserts. Additionally, women and families may prioritize the benefits of care focused on lower intervention by seeking providers assisting planned home birth. Often, this form of care is more affordable, especially when families do not have insurance. Further, specific cultural and religious communities, such as Mennonite and Amish, commonly eschew hospital birth. We are aware that where educated maternity providers such as CPMs are not available, such communities may become reliant on untrained home birth attendants that do not meet the educational standards mentioned above. Importantly, CPMs develop appropriate collaborative relationships with obstetricians and pediatricians, and transfer care for women or babies when higher level care is indicated. In the current COVID-19 pandemic, social distancing and reducing burdens on hospitals are essential for lowering transmission rates. The timely expansion of licensure to CPMs attending births in the home setting is both safe and consistent with these critical goals.

Since 2016, NYM has conducted an outreach project to assist Regional Perinatal Centers and affiliate community hospitals to develop internal guidelines for adopting best practices for receiving transfers from midwives serving women and families, when transfers of care are needed. These guidelines, stemming from national standards of the Home Birth Summit, were developed at Strong Memorial Hospital, and are attached. As women and families in New York maintain freedom of choice in birth attendant, it is essential for patient-centered care and safety to build bridges facilitating ease of transfer across birth settings, irrespective of provider type or education. Women need to feel supported to come to the hospital when indicated, so it is important to ensure those who accompany the client are not persecuted. Prosecution is antithetical to the national standards for best practices in transfer situations,

and such standards are in place at Strong Memorial Hospital, the Regional Perinatal Center, as well as advocated within the American College of Obstetricians and Gynecologists policy on planned home birth.

Because we have identified rural and urban maternity care provider shortages in New York, and to facilitate more options for educated midwives for Mennonite and Amish communities, NYM is currently working to add CPMs as a professional class to the NY Midwifery Practice Act. Proposed legislation, specifically, the Unified Midwifery Practice Act, is currently on the desks of state assembly and senator representatives. NYM is steadfast in the belief that all professional midwives should have access to licensure and be held accountable through the professional review process of the NYS Department of Education. To provide timely expansion of maternity providers to respond to the COVID-19 pandemic, this proposed legislation could provide the template for the Governor's executive order.

We believe our proposed legislation and/or similar Executive Order, opening licensure access to CPMs, a professional certification, is the only just and professional pathway which resolves the community's need for legally qualified midwives. Prosecutions leave communities without sufficient numbers of qualified maternity providers, keep women from seeking appropriate care when hospital transfers are needed for fear of endangering their chosen provider, increase likelihood of births without qualified attendants, and put women and newborns at higher risk of morbidity and mortality. These statements are based on ample research evidence.

It places lives at risk to criminally prosecute health care providers. Furthermore, prosecution of any qualified CPM further reduces critically essential services, at a time when we need to be expanding such services. New York State is in the midst of a maternal mortality crisis with an extreme lack of providers in multiple counties, as well as planning for an unprecedented pandemic response. NYM strongly believes that CPMs appropriately fill these urgent needs, positively impacting maternity outcomes.

Therefore, NYM requests that charges be dropped, as we pursue our strategies of seeking legislation or an Executive Order for licensing CPMs. Furthermore, NYM is the professional organization within New York most capable to provide representatives to respond to questions or provide expert testimony related to case histories, education of midwives, scope of midwifery practice issues, the role of shared decision-making in patient-centered care, guidelines for the practice of midwifery in the home setting, or guidelines for transfers of care from home to hospital setting.

Please address any questions or concerns to the undersigned or to Patricia Burkhardt, Chair, NYM Legislative Committee (pb8@nyu.edu), or cell 718 644-8963.

Sincerely,

Sascha James-Conterelli, DNP, CNM, FACNM

Sascha James-Conterelli, President, NY Midwives

Sascha.james-conterelli@yale.com, cell 917 653-6635

References:

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