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December 7, 2015

Dear Chairman Amsler and members of the Board;

We are writing to you today to raise serious concerns about the proposed changes to Licensed Midwife Regulation 61-24 scheduled for review at the Dec 10th DHEC Board meeting.

There are numerous problems with this revision, some of which will undeniably create life-safety issues for patients. These issues have been created in part by DHEC's failure to follow official procedure in the development of these revisions. If these problems are not remedied it will result in severe consequences for our state's consumers, and will place your agency in a position of unprecedented liability.

NACPM is dedicated to strengthening and supporting excellence in the profession and influencing maternal health policy to ensure that all mothers and babies have a healthy start. It is imperative that, as the state chapter NACPM representatives for Professional Midwives, that we speak to the Board directly on December 10th about these proposed regulations and the practice of Licensed Midwifery in South Carolina.

Our concerns about the proposed changes are:

- **UNSAFE STANDARDS:** Include standards that put mothers and babies at risk by prohibiting midwives from using industry standard safe practice techniques
- **RESTRAINTS:** Have added restraints to the scope of collaborative health care providers: now limited only to obstetricians, our direct market competitors
- **CONSUMERS:** Impose medically unfounded disqualifiers that constrain consumer choice for care
- **CONSULTANTS:** Have not included the South Carolina Midwifery Advisory Council (MAC) and have ignored the advice of the midwives, their physicians and that of the national organizations that guide midwifery standards.
- **GREY AREAS:** Have poorly defined areas that leave issues undefined or widely open to subjective interpretation.
- **RESTRICTION OF TRADE**
- **EMTALA is undermined:** Emergency Medical Treatment and Active Labor Act is a Federal law that requires that pregnant women in active labor must be treated by hospitals. Therefore, a physician doing prenatal assessments for midwifery patients would not need OB admitting privileges.

These revisions diverge from national regulatory standards, violate common sense, and will effectively prohibit most licensed midwives from remaining in practice. We are asking that this regulation be sent back for review and remedy by the appropriate consultants within the field of out of hospital midwifery to include but not be limited to the South Carolina Midwifery Advisory Council.

We look forward to hearing from you and your continued collaboration as we all dedicate ourselves to strengthening and supporting excellence in maternal health policy for South Carolina.

Regards,

A handwritten signature in black ink that reads "Nicole M. Lavalley".

Nicole Lavalley, LM, CPM, President SC NACPM