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**From:** sandy@carolinawaterbirth.com  
**Sent:** Wednesday, September 23, 2015 1:04 PM  
**To:** Haley, Nikki; DHEC Board; Catherine Heigel; Bowentg; Gwen Thompson  
**Subject:** Fwd: email cover letter  
**Attachments:** Critiqueofpropose draft 9 18 NACPM.docx; AABC letttr to FTC - 4.30.14.pdf; R.61-102 - SC NACPM Birth Center Committee Comments sept 18 2015.pdf  
  
**Importance:** High

Dear Members of the DHEC Board,

Attached please find South Carolina Chapter of National Association of Certified Professional Midwives (SC NACPM) critique of the proposed regulation and our suggested revisions and comments.

In addition to the statements provided we would like to reiterate that there are many efforts currently being made to change SC statues regarding Birthing Centers in SC. Attempting to revise regulations before the statue is finalized is repetitive and we can all imagine that whatever efforts we put forth for the current proposed revision will be repeated again next year. In order to save the state time and money by revising a regulation that will need to be revised again after new legislation is passed, we would like to recommend to the Department and to the Board that the revision be postponed.

We were also advised during the regulation revision workshop that the DHEC Board will not allow the Regulations for Birth Centers to be submitted with any changes to the physician supervision as currently proposed; especially in regard to the 30 minute time restraints for the physician and on-call definitions. In the June Board meeting, the Board seemed to think that anything less stringent would be 'going backwards' and that these restrictions were currently enacted by the Department.

We would like to inform the Board that they are perhaps quoting restrictions from a temporary state budget Proviso that only applied to one type of Birthing Center accredited by the Commission of Accredited of Birth Centers. The restraints of the Proviso in no way reflect the current Birthing Center Licensure Act code of laws or the current DHEC regulation for Birthing Centers for Delivery by Midwives. We would ask that the Board look closely at the actual statue and recognize that the new restrictions do not reflect the purpose or intent of the law.

We did learn in the workshop that a member of Health Regulations, Jim Bowen has been in contact with Ida Darragh Chairperson for the Board of North American Registry of Midwives. SC Chapter of NACPM would like to express our gratefulness to the Department for reaching out to one of our National midwife organizations. We have since been in contact with Mrs. Darragh about the current status of our regulations and have provided her with the publically noticed revisions. Please also expect to receive a statement from National Association of Certified Professional Midwives (NACPM) and the American Association of Birth Centers (AABC) regarding National Standards for acceptable birthing center and midwife regulations.

SC NACPM is also attaching a detailed comment analysis addressed to the Federal Trade Commission from AABC examining health care competition and its relevance in Birth Center regulation and legislation.

Concerns were voiced by the Department regarding our statement in the critique that during these regulation revisions, meetings were conducted that were not properly noticed to Licensed Midwives, Birth Center owners, consumers or all

of the physician stakeholders. A Department member of the workshop asked if we had evidence of such meetings. To answer the Department's question; yes, evidence exist of meetings between DHEC and ACOG physicians regarding Licensed Midwife and Birth Centers regulations. The meetings seem to be referenced in the Update for ACOG's State Legislative Chairs and Lobbyists and in the Department's own Midwifery Advisory council meeting minutes from May. Because this meeting was well attended there are many who also personally witnessed the statements from the Department.

Administrative Procedure would dictate that all meetings should be publically noticed for all stakeholders and consumers of a regulation revision.

If passed, we ask that the Board realize that these regulations would be some of the strictest in the nation and that many SC Birth Centers would inevitably close.

Please accept our statement and attachments for review and as part of the public comments for R.61-102. We ask the Board delay regulation revision at this time.

Respectfully submitted,

Sandy Glenn, LM CPM  
SC Chapter NACPM Committees Director

Attachments:

SC Chapter NACPM critique of proposed regulation NRP Reg. 61-102 with line-by-line edits and comments AABC letter  
CC: DHEC Commissioner, Health Regulations and the Honorable Nikki Haley