

# DHEC Response to Carolina Garman



W. Marshall Taylor Jr., Acting Director

*Promoting and protecting the health of the public and the environment*

February 24, 2015

Carolina Garman  
6744 Towhee Drive  
Columbia, S.C. 29209

RE: Message to the Office of Governor regarding midwifery and birthing centers

Dear Ms. Garman:

The Office of the Governor forwarded the Department your message entitled "restrictions on womens [sic] choices." The Department of Health and Environmental Control appreciates the opportunity to explain and clarify its position on the issues noted in your message concerning the practice of midwifery and the licensure of birthing centers.

Licensed midwives may provide care to low-risk women and neonates determined by medical evaluation to be prospectively normal for pregnancy and childbirth. 4 S.C. Code Ann. Regs. 61-24 § D. (Supp. 2013). Further, births planned to occur at a birthing center are restricted to low-risk births following normal, uncomplicated pregnancy. S.C. Code Ann. § 44-89-60 (2002); *see also* 8 S.C. Code Ann. Regs. 61-102 § D.(6)(a)(1) (2012) (requiring a physician to make a written determination that the birth planned to occur at the birthing center is low risk). "Low risk" means normal, uncomplicated prenatal course as determined by adequate prenatal care and prospects for a normal, uncomplicated, birth as defined by reasonable and generally accepted criteria of maternal and fetal health. S.C. Code Ann. § 44-89-30(6) (2002) and 8 S.C. Code Ann. Regs. 61-102 § A.(1)(k) (2012). After a lengthy and in-depth review of all available information, including consultation with the Commissioner's Obstetrical Task Force, the Department announced its position that the care of patients desiring vaginal birth after Cesarean surgery is not low-risk and, thus, is outside the scope of practice for licensed midwives and cannot be performed at licensed birthing centers. Enclosed for your review are position statements from the Department addressing these subjects.

Also, Covenant Birth Center, a birthing center previously located in West Columbia, South Carolina, voluntarily closed. The Department did not take enforcement against Covenant Birth Center.

The Department appreciates your interest in these matters. Should you have any questions, please do not hesitate to contact Michell Hatcher at (803) 545-4968 or [hatchem1@dhec.sc.gov](mailto:hatchem1@dhec.sc.gov).

Sincerely,

Gwen C. Thompson, Chief  
Bureau of Health Facilities Licensing

GCT:BW

Enclosures

cc: Terry English, DHEC  
Pam Hawley, DHEC  
Bentley White, DHEC  
Jamie Shuster, DHEC

Jonathan Yarborough, DHEC  
Margaret Douglas, DHEC  
Michell Hatcher, DHEC  
Taylor Craig, Office of the Governor



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment*

December 15, 2010

**MEMORANDUM**

**TO:** Birthing Center Administrators

**FROM:** Nancy E Maertens, Director  
Division of Health Licensing

**SUBJECT:** Vaginal Birth After Cesarean (VBAC) at South Carolina Licensed Birthing Centers

It has come to our attention that certain licensed birthing centers already have or are considering offering the service of delivery of VBAC patients by physicians in those birthing centers.

In our Memorandum dated March 27, 2006 (copy enclosed) the Department outlined our position, based upon a review of an extensive range of professional literature and consultation with the Commissioner's Obstetrical Task Force, that VBACs are not low-risk deliveries and are therefore outside the scope of practice for licensed midwives. As established in Licensing of Birthing Centers: S.C. Code Ann. § 44-89-60(1), "Births planned to occur at a birthing center must be restricted to low-risk births following normal uncomplicated pregnancy." "Low risk" is defined by S.C. Code Ann. § 44-89-30(6) as "normal, uncomplicated prenatal course as determined by adequate prenatal care and prospects for a normal, uncomplicated birth as defined by reasonable and generally accepted criteria of maternal and fetal health." Furthermore, as noted in S.C. Code § 44-89-60(4) and in Standards for Licensing Birthing Centers for Delivery by Midwives: 25A S.C. Code Ann. Regs. 61-102 (Supp 2009) § D.(6)(a)(2), "A physician must make a written determination that the planned birth is low risk" for every woman who plans to give birth in a birthing center.

Since the Department ruled in our March 27, 2006 memorandum that VBACs are not low-risk deliveries, and both licensing standards and the S.C. Code establish that births occurring in birthing centers must be restricted to low-risk births, it is the decision of the Department that VBACs will not be permitted in licensed birthing centers.

If you have any questions you may contact Michell Hatcher at 803-545-4968.

NM/MH/mh

Enclosure

CC: Pamela M. Dukes, DHEC  
Ashley Biggers, DHEC

Dennis L. Gibbs, DHEC  
Michell Hatcher, RN, BSN



2600 Bull Street  
Columbia, SC 29201-1708

March 27, 2006

**MEMORANDUM**

**TO:** Licensed Midwives, Licensed Midwife Apprentices, And Interested Citizens

**FROM:** Dennis L. Gibbs, Director  
Division of Health Licensing

**SUBJECT:** Vaginal Birth After Cesarean (VBAC) and Licensed Midwifery Practice

As requested by the Licensed Midwifery Advisory Council in May 2005, the Department has undergone a second review of professional literature and other information provided by Licensed Midwives, health care professionals, Department staff and other interested citizens regarding the scope of Licensed Midwifery practice and performing vaginal birth after Cesarean (VBAC).

In May 2004, upon conclusion of a study by Department staff, the Department's position regarding Licensed Midwife practice and VBAC was announced at the Midwifery Advisory Council meeting. In August 2004, a letter was sent to all midwifery licensees specifying that it would be considered a violation of Regulation 61-24, *Standards for Licensing Midwives*, Section D. Scope of Practice, for Licensed Midwives to perform VBAC and that current VBAC clients must be referred to a licensed physician for medical care.

A lengthy and in depth review of all available information, to include consultation with the Commissioner's Obstetrical Task Force in August 2005, has been completed. It is the decision of the Department that the existing policy will not be changed. It is the Department's position that the care of patients desiring VBAC is not low-risk and therefore is outside the scope of practice for Licensed Midwives, as that scope is defined in the above referenced regulation.

Among the extensive range of professional literature and information provided to the Department that has been reviewed and considered are the following:

Macones, George A., MD, MSCE et al., "Maternal complications with vaginal birth after cesarean delivery: A multicenter study," *American Journal of Obstetrics and Gynecology*, Vol. 193, November 2005, pp. 1656-1662.

Lieberman, Ellice, MD, DrPH et al., "Results of the National Study of Vaginal Births After Cesarean in Birth Centers," *Obstetrics and Gynecology*, Vol. 104, November 2004, pp. 933-942.

Lie, Desiree, MD, MEd, "Trial of Labor After Cesarean Section (TOLAC): Updated Clinical Recommendations," American Academy of Family Physicians Scientific Assembly, July 2005, and Medscape, January 6, 2006.

American College of Obstetricians and Gynecologists, "Vaginal Birth After Cesarean Delivery," Practice Bulletin #54, July 2004.

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**Joint Commission on Accreditation of Healthcare Organizations, "Preventing infant death and injury during delivery," Sentinel Event Alert, Issue 30, July 21, 2004.**

**American College of Nurse-Midwives, South Carolina Chapter 2, "Secondary VBAC at Home or Birth Center," Letter of August 2, 2005 signed by Thomas M. Chappell, CNM, MSN, Chairperson, with Secondary VBAC Bibliography prepared by Sharon Bond, CNM, MSN.**

**I appreciate the considerable concern and contributions of South Carolina's licensed midwives and other interested clients and citizens during this lengthy process.**

**If there are any questions, please contact me or Robert E. Barnwell, RN, Perinatal Nurse Administrator, at 803-545-4370.**

**DLG/REB/rb**

**cc: C. Earl Hunter, Commissioner  
Leon Frishman, Deputy Commissioner  
Members of Midwifery Advisory Council**

**Jerry Paul, Bureau Director  
Robert E. Barnwell, DHEC**



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Columbia, SC 29201-1708

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