

California Association of
PROFESSIONAL LIABILITY INSURERS

980 9th Street, Suite 1550
 Sacramento, California 95814
 (916) 930-0749
 Fax (916) 930-0739

Medical Insurance
 Exchange of California
 6250 Claremont Avenue
 Oakland, CA 94610

NORCAL Mutual
 Insurance Company
 560 Davis Street
 San Francisco, CA 94111-1902

The SCPIE Companies
 1888 Century Park East, Suite 800
 Los Angeles, CA 90067-1712

Legislative Advocate
 Timothy J. Shannon, Jr., Esq.

The California Association of Professional Liability Insurers (CAPLI) is opposed to the modified licensed midwife regulations that were the subject of a hearing February 18, 2005, and continued July 29, 2005. CAPLI is an association that represents three physician owned and managed medical malpractice insurers domiciled in California. For the record, none of the three CAPLI member companies will insure a *physician* who wishes to perform a home birth. The following comments should not be construed as a derogation of the licensed midwife; the issue is patient safety. CAPLI insurers believe so strongly that a home birth is unnecessarily risky that they will not insure *any* practitioner, including an obstetrician, who would practice home delivery.

Background—statutory requirement of physician supervision

These regulations are promulgated as a result of the passage of SB 1950 (Figueroa) of 2002, which directs the Medical Board to adopt regulations no later than July 1, 2003 “defining the appropriate standard of care and level of supervision required for the practice of midwifery”

Under existing law, “The license to practice midwifery authorizes the holder *under the supervision of a licensed physician and surgeon*, to attend cases of *normal childbirth* and to provide prenatal, intrapartum, and postpartum care, including family-planning care, for the mother, and immediate care for the newborn.” Business and Professions Code Section 2507 (a). (emphasis added)

In addition, “the practice of midwifery constitutes the furthering or undertaking by any licensed midwife, *under the supervision of a licensed physician and surgeon who has current practice or training in obstetrics*, to assist a woman in childbirth so long as progress meets criteria accepted as normal.” B&P Code Section 2507 (b)

Regulations do not address physician supervision.

As we stated in our testimony before the Board on July 29, we are opposed to the proposed licensed midwifery regulations that do not address the issue of physician supervision as required by law. As your background material notes, Business and Professions Code Section 2507 (f) mandates the division to adopt regulations to define the appropriate standard of care for licensed midwives *and* the level of supervision required for the practice of midwifery. Unfortunately, the background material also notes that *only* the standard of care portion is being addressed in this regulation.