

DEPARTMENT OF

**Consumer
Affairs**

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AB 1896 - BACKGROUND INFORMATION PAPER

THE MIDWIFERY PRACTICE ACT OF 1978

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Introduction

AB 1896 re-establishes the important role that professional midwives can play as maternity care providers in California, combining certified nurse midwives and professional non-nurse midwives into one category -- Certified Midwives. AB 1896 creates an alternative, medically safe approach to broadening the scope of maternal care available in California by allowing a woman and her family to choose among several methods of childbirth. This expanded range of choices, including doctors, hospitals, midwives, clinics, homes, and other alternative childbirth practices, returns to the woman and her family critical control over the most fulfilling and natural expression of a family-centered culture -- the birth of children.

Governor Edmund G. Brown Jr. has provided the resources through the Department of Consumer Affairs to develop this legislative initiative and has extended his support to this important bill. Endorsed by the State Department of Health, AB 1896 is carried by Assemblyman Gary K. Hart (D.-Santa Barbara).

Background

Midwives have traditionally delivered most of the babies born on this planet and, until the early 1950's, were widely used in California. Though the Legislature first recognized midwives in state law in 1917 and established a certification program in 1937, midwives have been denied licensure in California since 1949.

In 1974, the California Legislature authorized the practice of nurse midwifery. This new program reflected concern over a perceived shortage and maldistribution of obstetrical services in rural areas and the lack of prenatal care throughout the state. The nurse midwife is authorized to attend cases of normal childbirth and provide prenatal, intrapartum and postpartum care under the general supervision of a physician. (The physicians need not be physically present, but are responsible for the actions of the nurse midwife.) Regulations have been established to implement the law; but for a number of reasons, including the restrictive nature of the regulations, only about 65 nurse midwives are presently certified in California.

The practice of midwifery envisioned by AB 1896 is presently considered practicing medicine without a license in California. In 1974, the then