



Date

Dear *Health Care Insurance Company*,

On behalf of the 1500 midwives licensed by New York State since the passage of the Midwifery Practice Act in 1992, we are writing to review two major stipulations of the law to ensure that your company is in compliance.

The Midwifery Practice Act established a Board of Midwifery, which regulates the profession of Midwifery under the State Education Department and separates midwifery from nursing and medicine. Under the 1992 law, a midwife may obtain a license to practice without also being a registered nurse. Current regulations require an applicant to graduate from an approved midwifery education program at a minimum Master's degree level and pass a licensing exam. The Board of Midwifery is currently using the exam given by the American Midwifery Certification Board which awards the Certified Midwife (CM) credential to applicants who are not registered nurses and the Certified Nurse-Midwife (CNM) credential to those who hold RN licenses. Therefore, under New York State law, the term "nurse-midwife" is not an appropriate or legal designation for the profession of midwifery. Whether midwives do or do not have nursing degrees or licenses, all are designated in NYS as *licensed midwives*.

In compliance with NYS law, the NYS Division of Financial Services amended its *Accident and Health Product Filing model language, Section IX: Outpatient and Professional Services, [O.] Maternity & Newborn Care* in May 2014. The designation "Nurse-Midwife" was replaced with "Licensed Midwife." We expect that you will amend all of your policies and publications to reflect the newly corrected DFS language.

http://www.dfs.ny.gov/insurance/health/model/ml_outpatient_prof.doc

In 2010, the New York State legislature passed the Midwifery Modernization Act. This Act maintained the provisions of its predecessor, but amended the law to state that licensed midwives may practice their profession without a signed written collaborative agreement with a specific physician. Like other health care professionals, midwives maintain collaborative relationships within the health care delivery system. All midwives consult, collaborate and refer when needed to ensure best practice. Therefore, it is not consistent with NYS law for insurers to require a signed written practice agreement or collaborative agreement between a midwife and a physician in order for a midwife to be a participating provider or to receive reimbursement for services.

We look forward to your response to these concerns. If you have questions, you are welcome to contact our organization at newyorkmidwives@gmail.com or 518-852-7965. For more information, you can also refer to the Board of Midwifery at the New York State Education Department website:

<http://www.op.nysed.gov/prof/midwife/midwifelaw.htm>.

Sincerely,

A handwritten signature in black ink that reads "Patricia Burkhardt". The signature is written in a cursive, flowing style.

Patricia Burkhardt, LM, CM, DrPH, FACNM
President, NYSALM

CC: Board of Insurance
NYS Health Commissioner