

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#); [Brittany Roberson](#)
Subject: FW: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Tuesday, June 03, 2014 1:44:47 PM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Tuesday, June 03, 2014 11:03 AM
To: Sunset Advisory Commission
Subject: Form submission from: Public Input Form for Agencies Under Review (Public/After Publication)

Submitted on Tuesday, June 3, 2014 - 11:03

Agency: DEPARTMENT STATE HEALTH SERVICES DSHS

First Name: Virginia

Last Name: Rauth, MD

Title: President

Organization you are affiliated with: Texas Association of Obstetricians and Gynecologists (TAOG)

City: Galveston

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or
Opposed:

Dear Members of the Sunset Commission:

Today we write on behalf of District XI of the American Congress of Obstetricians and Gynecologists (ACOG) and the Texas Association of Obstetricians and Gynecologists (TAOG). As the state's two professional organizations of obstetricians and gynecologists, we are committed to maintaining a high level of safe obstetrical and gynecological care for the women of the State of Texas.

ACOG and TAOG oppose the Sunset Staff recommendation 3.2 in its report on the Department of State Health Services (DSHS) relating to midwives in Issue 3 (p. 53). It is important to note that the midwives discussed in the report are lay midwives with minimal formalized education and training, and not certified nurse midwives (CNMs) who are APRNs and are regulated by the Texas Board of Nursing.

ACOG and TAOG Oppose Sunset Recommendation 3.2 in the DSHS Report

The staff report recommends moving the regulation of midwives from DSHS to the Texas Department of Licensing and Regulation (TDLR) under the rationale that TDLR can regulate health professions more effectively than DSHS and that midwives fall into a category of health professionals "with no direct connection to any of DSHS' larger, public health regulatory activities."

We could not disagree more. Moving oversight of an already under-regulated midwife license to an entity unfamiliar with women's health services would be a dangerous mistake.

Any Alternative or New Recommendations on This Agency:
ACOG and TAOG Recommendations to the Sunset Commission

Recommendation #1: Keep the oversight and regulation of midwives at DSHS

ACOG and TAOG believe that oversight of licensed midwives should remain at DSHS. DSHS, the same agency that regulates and licenses birthing centers, where many licensed midwives work, is the appropriate agency to regulate licensed midwives, and not TDLR—the entity that licenses barbers, cosmetologists, and auctioneers. DSHS oversees multiple programs related to women’s health services. These include the DSHS Family Planning Program, the Primary Expanded Healthcare Program, breast and cervical cancer services, and Title V Maternal and Child Health services. DSHS staff is knowledgeable and has expertise in the area of women’s health that just does not exist at TDLR.

Recommendation #2: Require accredited education and professional certification for midwives

Nationally, OB/GYNs and CNMs are working together to affirm their commitment to promote the highest standards for education, professional certification, and to support evidence-based practice. Accredited education and professional certification preceding licensure are essential to ensure skilled providers at all levels of care.

In order to increase the efficiency of the regulation of midwives while increasing safety, we recommend requiring certain minimum standards for the education and training of midwives. Requirements for licensed midwives in Texas are currently below those in undeveloped countries. Texas midwives should at least meet those set out by the World Health Organization (WHO).

Our recommendation is to require midwives to complete a midwifery education program accredited by the Accreditation Commission for Midwifery Education (ACME), to successfully complete the American Midwifery Certification Board, Inc. (AMCB) certification examination, and to adhere to the same professional standards as CNMs for licensure.

Recommendation #3: Change the composition of the Texas Midwifery Board

We also recommend some changes to the composition of the Texas Midwifery Board to prevent possible conflicts of interest. Currently the Board is composed of five licensed midwives, two physicians, and two public representatives—one being a parent with at least one child born with the assistance of a midwife. There is no representation of certified nurse midwives on the Board. We recommend that the number of licensed midwife members be reduced from five to two and the remaining three positions to be filled by CNMs.

At a time when Texas is working to improve birth outcomes and the overall health of women, moving the regulation of midwives from DSHS to TDLR would be a step in the wrong direction. As physicians, our life’s work is dedicated to improving the outcomes of pregnancy for women and their children. Texas women deserve no less than the best that we have to offer.

My Comment Will Be Made Public: I agree