

**The Association of Texas Midwives Responds to Recent Testimony  
by Medical Representatives Regarding HB 1535**

*By Beth Overton, CPM – President, Association of Texas Midwives, April 8, 2005*

During a recent committee hearing for HB 1535 (April 4, 2005), two representatives from the Texas Medical Association and the Association of Texas OB/GYNs expressed that they had “concerns” regarding HB 1535 although they officially said they were “neutral” on the bill. As President of the Association of Texas Midwives, I would like to comment on the concerns raised by these two medical groups.

***Regarding Sunset’s Proposal to Change the Composition of the Midwifery Board***

These representatives expressed a “concern” over the proposed legislation by Sunset that the Texas Midwifery Board composition be changed in order to increase representation from the board’s licensees. (HB 1535)

The representatives from these medical groups stated that they opposed any change in composition to the Midwifery Board because they believed it would “eventually undermine the safety of care provided by the documented midwives to mothers and their babies”. It was further stated that they believed that this change “would provide for them [midwives] to pursue a path of less accountability which would reduce the board’s capacity and objectivity to critique the midwives”.

Such a concern is totally unfounded. The fact is that Sunset’s recommendation for a change in the composition of the Midwifery Board would only bring the Midwifery Board into line with the majority of other Texas boards. The majority of boards for other regulated professions in Texas already have a majority representation from their licensees. *Please see the other side of this page for several examples of boards that have a majority of licensees on their boards.*

A majority representation of a profession does not reduce the board’s capacity to critique that profession nor does it hinder the board’s objectivity. If this were true practically every board in existence in Texas would be hindered in the same way, including the Texas Board of Medical Examiners.

***Regarding Sunset’s Proposal for a Title Change for Midwives***

The Texas Medical Association and the Association of Texas OB/GYNs have also expressed a “concern” over the proposed legislation by Sunset that Texas’ direct-entry midwives be titled “Licensed”. (HB 1535) They have objected to this change claiming it might “give patients the wrong impression” or that the title might somehow give midwives an “undeserved aura of legitimacy”.

The truth is that use of the word “licensed” when referencing midwives in Texas is both legitimate and accurate use of the word. Documented Midwives are in fact already a licensed health care profession. The Sunset Commission clearly demonstrated the proper use of this word in The Sunset Advisory Commission – Staff Report on the Texas Midwifery Board (October, 2004). This report specifically refers to Documented Midwives as “licensed midwives” on page 48. Sunset’s use of this terminology is consistent throughout their entire report. It consistently uses terms like “licensees”, “licensing midwives”, “licensure” and “licensure requirements” when referencing midwives.

Therefore the title “Licensed Midwife” is actually much more appropriate than “Documented Midwife” which by contrast is a confusing title. The fact is that the profession of midwifery is quite legitimate and the title “Licensed Midwife” would be the most appropriate title. Changing our title to “Licensed Midwife” would be consistent with the vast majority of other states which also regulated direct entry midwives. Because the title “Licensed Midwife” is the most commonly used title for midwives in our country, it is also the most easily understood by the general public.

**Examples of Majority Representation  
on Other Texas Professional Boards**

**Texas State Board of Examiners of Dietitians:**

- 6 Dietitians – majority licensees-members of the board
- 3 public members

Total 9

**Marriage and Family Therapists:**

- 4 public members

Total 9

**Texas State Board of Examiners of Perfusionists:**

- 5 Licensed Perfusionists – majority licensees-members of the board
- 1 Cardiovascular Surgeon
- 3 public members

Total 9

**Texas State Board of Examiners of Professional Counselors**

- 5 Counselors – majority licensees-members of the board
- 4 public members

Total 9

**Texas Board of Social Worker Examiners:**

- 6 Licensed Social Workers – majority licensees-members of the board
- 3 public members

Total 9

**Texas State Board of Nurse Examiners**

- 9 nurses – majority licensees-members of the board
- 4 public members (all consumers)

Total 13

**HB 1535 would bring the Midwifery Board  
into alignment with other Texas boards!**

**HB 1535's Proposed Composition for the Midwifery Board**

- 5 midwives – these are the midwives regulated by this board
- 2 physicians – (one Ob/gyn and one family practice or pediatrician)
- 2 public members (one must be a consumer)

Total 9

**Compare this to the current composition of the Texas Midwifery Board**

- 3 midwives – these are the midwives regulated by this board
- 2 physicians – (one Ob/gyn and one family practice or pediatrician)
- 1 Certified Nurse Midwife (CNMs are not regulated by this board)
- 3 public members (one must be a consumer)

Total 9