

Why Texas “Documented Midwives” Should Be Called “Licensed Midwives”

By Beth Overton, C.P.M. – President, Association of Texas Midwives, April 8, 2005

The following information can be found in a PDF document on the Sunset website entitled **“Sunset Occupational Licensing Model”** <http://www.sunset.state.tx.us/licensemodel05.pdf>

“Three categories of licensing exist.

“Registration is the lowest level of regulation. In its simplest form, registration requires a person to register with a state agency, which simply keeps a roster of practitioners. At times, the agency or statute may set minimum practice requirements that must be met before a person may be added to the list.

“Certification , the next level up, mandates that practitioners must meet certain minimum qualifications before using a title. Other persons may perform similar work, but are subject to agency enforcement action if they use the title.

This type of regulation typically is set up in a "title act."

“Licensing of practice is the most stringent regulatory approach, and involves regulation of the practice of the profession or occupation and often the title as well. For instance, only a medical doctor with specific qualifications can perform actions that are considered to fall within the practice of medicine. Professions regulated in this manner are operating under a "practice act." **Frequently, statutory language is inconsistent in the use of these terms. For example, certified public accountants are certified in their act, but the statute actually regulates both the practice and the title through licensure.** [Emphasis mine.]

It is clear that by Sunset’s own definitions that Texas Documented Midwives fall under the category of “Licensing of practice.” Texas Documented Midwives are regulated, operating under a “practice act” (our “Midwifery Act”), accountable to the Midwifery Board established by the Texas Department of State Health Services. We have clear educational requirements both for entry level and continuing education requirements. In truth, therefore, Documented Midwives are already licensed midwives according to the “Sunset Occupational Licensing Model.” As is the case with CPAs (Sunset’s example) the statutory language regarding Documented Midwives is inconsistent with the fact of our meeting requirements of licensure. We are not allowed to call ourselves “Licensed Midwives” because our current title act refers to us as “Documented”. Therefore, our current title is misleading to the women we serve and the public in general.

We were given this title back when lay midwives did not have educational requirements and were only required to register with the state. It may have been an appropriate title at that time, but that time is now past. That is why we have requested this title change, and we believe this is why the Sunset Commission made their recommendation for a title change for midwives in Texas.

To our knowledge, the title “Documented” is not used for any other licensed profession. Our current title is confusing and misleading. The most appropriate title for us would be “Licensed Midwife”. This would be consistent with other licensed professions as well as other licensed direct-entry midwives in other states.

“Licensed Midwife” is the Most Common Title Used for Regulated Direct Entry Midwives in the United States

Nineteen (19) states regulate direct entry midwives. Of these, thirteen (13) give midwives the title “Licensed Midwife”: Alaska, Arkansas, Arizona, Florida, Louisiana, Minnesota, Montana, New Jersey, New Mexico, Oregon, South Carolina, Vermont and Washington State.

Two states which regulate midwives use the title “Certified Midwife”: Tennessee and New Hampshire. One state, Delaware, provides Certified Professional Midwives (NARM certification) a “Permit” to practice midwifery. Colorado uses the title “Registered Midwife” and Texas currently titles their licensed (or regulated) midwives “Documented Midwife”.

All 19 states use some or all of the North American Registry of Midwives (NARM) certification process as a part of their licensure process. This includes Texas because our state has the same requirements for our approved midwifery programs as those required by NARM standards. Texas also requires the NARM written exam for all entry level midwives who complete one of the three state approved midwifery programs. Our state also licenses midwives already certified through NARM after they meet additional requirements of the State.

NARM receives their accreditation as a certifying agency from the National Commission for Certifying Agencies (NCCA). The NCCA is the accrediting body of the National Organization for Competency Assurance (NOCA).

Examples of Legal use of the Term “Licensed”

The following are examples of regulated professions or businesses which may legally use the term “Licensed” in Texas. These are just a few examples that I found easily by doing a search on the Internet.

- Licensed Birthing Centers *
- Licensed Cosmetologists
- Licensed Physical Therapists
- Licensed Dietitians
- Licensed Marriage and Family Therapists
- Licensed Day Cares and Licensed Child Care Providers
- Licensed Plumbers
- Licensed Engineers
- Licensed Attorneys
- Licensed Home Inspectors
- Licensed Private Investigators
- Licensed Professional Counselors
- Etc.

* Many of these “Licensed Birthing Centers” in Texas are fully owned and operated by “Documented Midwives”.