

REGULATING MIDWIFERY

Should the Practice of Midwifery be Regulated?

**Yukon Government
Department of Health and Social Services
March 2010**

The Department of Health & Social Services is undertaking a public consultation to determine whether to regulate the practice of midwifery under the Yukon Health Professions Act.

This paper is divided into four sections:

1. Midwifery practice;
2. Understanding health profession regulation;
3. Weighing the Options; and
4. Individual/ group comments

It is important to acknowledge that midwifery practice has existed throughout the world for millennia. Furthermore, midwifery currently exists in both a traditional sphere and as part of the modern health care systems, providing maternal and newborn support to women in Canada and internationally. This consultation and discussion is focused on the role of a midwife as a health care provider in Yukon.

This paper provides an overview of the issues specific to midwifery to assist public comment on whether it should be regulated. The consultation and supporting documents do not address details pertaining to the specific content of regulation nor do they address the issue of funding midwifery services as part of the Yukon Health Care plan.

Written comments can be sent to the following address by Friday April 30, 2010:

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Introduction

The intent of this paper is to provide information on the practice of midwifery for the purpose of determining whether the Yukoners believe that the profession should be a regulated health profession in Yukon.

Regulating a health profession such as midwifery involves the creation of a framework for evaluating entry into practice (how to educate and be certified as a midwife) and ongoing competencies for professional development (how to keep current with skills and up to date with best practices). In Yukon the Health Professions Act is the piece of legislation that would be utilized to regulate midwifery and any other health profession not currently regulated.

In Yukon there are no legislative restrictions prohibiting the practice of midwifery. There are several practicing midwives providing a full range of prenatal and maternal care. In the current situation, where midwifery is unregulated, the woman and the midwife enter into a private contract and it is the woman's responsibility to ensure that she is fully aware of educational qualifications and the current competencies of her midwife. If there is a dispute or a concern about the practice of the midwife the woman can only seek remedy through civil/criminal legal processes.

In the fall of 2007, the lobby group, *Yukoners for Funded Midwifery*, brought forward a formal request to the Ministers of Community Services and Health & Social Services requesting that midwifery be designated as a health profession and regulated under the Health Professions Act *recognizing that midwifery cannot be funded before it is regulated*. As a response, a working group representing key stakeholders and led by the Department of Health & Social Services was formed to review relevant and current information regarding midwifery to inform this discussion paper.

SECTION 1: MIDWIFERY PRACTICE

What is midwifery?

Midwives are primary health care practitioners who provide a complete course of care to women and their babies and families during pregnancy, labour, birth and the post-natal period.

As well as being a traditional practice worldwide, midwives today are recognized as primary health care professionals in Canada and form an important part of many maternity care systems.

Midwifery has generally been identified as a model of care that supports the natural course of childbirth and delivery and the personal choices of the woman in directing her care. It emphasizes low technology and little or no intervention as part of the birthing process and provides a continuity of care in which the client is empowered to actively participate in all aspects of her health care. Midwifery practice enables full family support and an enlarged circle of support for the woman.

How does an individual become a midwife?

Midwifery has a unique body of knowledge and skill which traditionally has been passed on from one generation to the next. At the start of the 20th century there was a move away from midwifery, however, by the end of the century there was popular recognition that the body of knowledge held by midwives should be formalized to increase access to midwifery education.

In Canada, midwifery education is based on direct entry to a four-year undergraduate studies program, with a comprehensive practicum requirement. Internationally, other educational pathways to the profession include training either through apprenticeship model or completion of a nursing-midwifery program.

Both in Canada and internationally, once midwives complete their formalized training they place value on maintaining their skills and knowledge through ongoing professional development.

Where and how do midwives practice?

Practice settings for midwives may include the home, community clinics, birth centers and/ or hospitals. Midwives are prepared to respond to all situations reflecting the practice setting in which they are providing services to each client (equipment for a home birth varies from the equipment for a birthing center or hospital care). Like all health care professionals midwives apply professional judgment and a repertoire of skills while working within the scope to which they have been trained. Midwives are educated to make autonomous decisions in

collaboration with their client. However, they value and utilize interdisciplinary collaboration.

Are midwifery services available in Yukon?

Currently there are several midwives, who have formal education and may hold certification in another jurisdiction, that reside in Yukon and have been providing midwifery services for approximately the last decade. It is also known that registered midwives from other Canadian jurisdictions have been brought to Yukon to assist individuals with labour and delivery. While traditional aboriginal midwifery has been practiced historically throughout Yukon, it is not known whether it is practiced at this time.

Midwifery practice currently operates outside the formal Yukon healthcare system. Thus, throughout the continuum of prenatal and intrapartum care midwives are unable to offer a full complement of services to women. As a result many women who use the services of a midwife also choose to access a family physician in order to ensure they receive the recommended prenatal screens, such as the 18-week ultrasound and blood tests. Midwives do not have prescribing privileges, are not currently integrated into the hospital system and their relationships with other health care professionals, including doctors, nurses and specialists and are not formalized. This may be detrimental to collaboration on the full spectrum of health care, or lead to a lack of communication or continuity in an emergency transfer of care. Because midwives are not integrated into the formal health care system, women who use both a physician and a midwife may receive some duplicated services, rather than complementary service.

SECTION II: UNDERSTANDING HEALTH PROFESSION REGULATION

What does regulation mean?

Regulation is the legal framework to support providing safety, accountability and transparency regarding the professional practice of identified health professions. The governance framework establishes the standards under which a regulated professional can practice, including but not limited to:

- Entry to practice requirements
- Professional ethics
- Practice guidelines
- Continuing competencies

Regulation does not mean a limiting or curtailing of service to patients.

Why regulate midwifery?

The primary purpose for regulating professional practice is the protection of clients and the public by requiring that practitioners meet the established standards and competencies. In the case of midwifery, the role of regulation would be to provide public reassurance:

1. That midwifery is practiced by individuals meeting established standards that minimize risk to public health and safety.
2. That guidelines are in place to ensure midwifery services are provided using up to date best practices.

Midwifery is a regulated profession in 10 jurisdictions in Canada, four of which (Saskatchewan, NS, NB and Nunavut) have come into force in the last year. Newfoundland is in the process of amending legislation, while both Prince Edward Island and Yukon do not regulate midwifery. Midwifery is regulated either under each jurisdiction's Health Professions legislation or under stand-alone legislation. Throughout Canadian jurisdictions there is little variation on the entry to practice requirements, scope of practice and continuing competencies. This is primarily due to the interest of the regulatory bodies to standardize the requirements to enhance labour mobility and have uniform standards.

Health Profession Regulation in Yukon

The Health Professions Act, proclaimed in 2004, is an omnibus piece of legislation. The *Act* sets out the legal requirements for governing health professions in Yukon.

Details of specific requirements for each health profession are developed collaboratively between members from the health profession and government. To date there are two professions regulated by the Act with 22 others identified for future consideration.

SECTION III: WEIGHING THE OPTIONS

There are advantages and disadvantages to proceeding with regulating midwifery. The following is an assessment of possible risks and benefits to regulating or not.

	Regulation	No Regulation
Advantages	<ul style="list-style-type: none"> • Standards in place for qualifications and practice of midwives. • Complaint process accessible to public with concerns that standards are not met. • Discipline process in place to ensure compliance with standards • Midwives would have formal recognition as health care professionals in the Yukon • Midwives could have hospital privileges • Midwives could order diagnostic tests etc. for women in their care • Midwives, doctors, and other health care professionals would be better able to develop collaborative care for women • The government could consider funding midwifery services if the profession was regulated • Increase in demand for midwifery service 	<ul style="list-style-type: none"> • Women's choices would stay the same as they are now, without restrictions on the services midwives can provide, including home births. • Women who see the value of midwifery care and who are willing to pay for the service would continue to take responsibility for finding out each midwife's credentials, instead of relying on a government system of credentialing • Women would continue to take responsibility for their own choices around maternity care, with education and support provided by the midwives
Disadvantages	<ul style="list-style-type: none"> • Regulations may limit flexibility of a woman's options as currently offered 	<ul style="list-style-type: none"> • No standards in place to establish qualifications or set standards for care provided by midwives. • Women are not able to choose a birth setting • Women who want or need diagnostic tests etc. have to go through a family physician as midwives are not able to order most of these tests • Midwives are limited in working not collaboratively with other health care professionals

SECTION IV: PUBLIC CONSULTATION

You are invited to provide input as to whether midwifery should be designated as a health profession in Yukon. Space is provided below. Please feel free to attach additional pages if you require more space.

Written comments can be directed to the following contact and will be received until Friday April 30th, 2010. Where possible, **please submit comments electronically** as this will help expedite compiling of feedback for reporting purposes.

Direct Mail	Ms. Diane Billingsley Policy Analyst Department of Health and Social Services (H-1) Box 2703 Whitehorse, Yukon Y1A 2C6
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Do you believe that the practice of midwifery should be regulated in Yukon?

Yes No

Why or why not?

Other Comments

Optional

In order to provide a context for your responses, we would appreciate receiving the following information about you.

Please indicate the perspective(s) from which you have responded:

- Member of Yukon public
- Member of *Yukoners for Funded Midwifery*
- Yukon health care system employer
- Yukon health care provider
- (please indicate profession) _____
- Other, please indicate _____

If you are responding on behalf of a particular organization, please indicate the name of the organization:

Thank-you for taking the time to participate



**A Consultation on Regulating the Practice of Midwifery
March 2010**