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Analysis of New York Midwifery Law related to [Executive Order No. 202.11](#) issued by Governor Cuomo on March 27, 2020

“to temporarily suspend or modify” rules and laws that “would prevent, hinder, or delay action necessary to cope with the disaster emergency or if necessary to assist or aid in coping with such disaster.”

The following sections have been temporarily suspended or modified in New York Consolidated Laws Title 8, Article 140, the Professional Midwifery Practice Act, “to the extent necessary **to allow midwives licensed and in current good standing in any state** in the United States, or in any province of Canada, to practice in New York State without civil or criminal penalty related to lack of licensure.”

[Section 6951](#)

This section is about the scope of practice for midwives and also the requirement of having a “collaborative relationship” with a licensed physician.

[Section 6952](#)

This section says that only people licensed under this law (or other laws, presumably the medical practice act) may practice midwifery.

[Section 6953](#)

This section is about the use of the title “midwife.”

[Section 6955](#)

This section describes the seven things you need to qualify for a license (education, examination, age, character, citizenship, and fee).

These sections are the parts of the Midwifery Practice Act that allow New York State to bring civil and criminal penalties for unlicensed practice. The Executive Order suspends the ability of the State to punish midwives for lack of licensure in NY, as long they’re licensed elsewhere. **This Executive Order is only relevant to midwives who are already licensed in another State** (and in good standing there). This Order does not permit practice by New York midwives who are trained as Certified Professional Midwives (CPMs) but **don't** have a New York license or license from another state (like those currently facing criminal charges).

We interpret this Executive Order to mean that a midwife licensed¹ in another state, including a CPM, may practice midwifery in New York during the existence of the executive order for the purpose of coping with or aiding in coping with the disaster.



To start practicing under this order we recommend that midwives either in the border areas or ‘in wait’ throughout the state notify the state proactively that they are working pursuant to the order. The local professional association, NYCPM, could send a letter on behalf of all who intend to practice, saying collectively we are aware of [X amount of] CPMs who will now be helping in NY based on the order. This notice can take the form of a simple letter, dated, and on letterhead mailed to the agency regulating midwives (here, the Board of Midwifery) and Governor’s office.

We recommend other states and territories take a similar approach to this Executive Order by New York Governor Cuomo, to ensure that available midwives can assist in addressing the needs of pregnant and laboring people created by the pandemic.

New York State’s Executive Order should go further to include *credentialed midwives* who are not currently licensed. Credentialed midwives in the United States include the Certified Nurse Midwife (CNM), the Certified Midwife (CM) and the Certified Professional Midwife (CPM). The CPM is the only midwifery credential that requires knowledge about and experience in out-of-hospital settings, making them uniquely qualified providers during this time. Many CPMs have encountered discrimination or exclusion from licensure despite being qualified by their training and education.

Note:

There are sections of the Midwifery Practice Act NOT included in the Executive Order (6950, 6954, 6956, 6957, 6958), and we interpret these sections as structural and therefore not significant to the meaning of the executive order. We interpret the Executive Order to mean that the power of the Midwifery Board (Section 6954) to deal with licensing or bring about civil penalty must be in accordance with the Executive Order.

Given the history of exclusion of Certified Professional Midwives by New York’s Board of Midwifery, we recommend that midwives proceed knowing that this Executive Order does not go as far as is needed to ensure the long term, safe and legal practice of CPMs in New York. More information may emerge about how the Board of Midwifery is interpreting this order. This order does not create a pathway to licensure for unlicensed CPMs in New York; further action, (as has been proposed in pending legislation) is needed to do that.

¹ Some CPMs are “registered” but not licensed¹. It is unclear how this would be interpreted, but strict interpretation as a *license*, and no other form of State recognition, is advisable.