



Friends of Missouri Midwives  
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## News from Missouri Midwife Supporters

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### Missouri Women and Families Declare Victory

#### Independence Day Comes Early for Midwives as State Supreme Court Upholds Right to Practice

JEFFERSON CITY, MO (June 24, 2008)—Today's Missouri Supreme Court decision is a tremendous victory for Missouri families, who have been working for 25 years to gain legal access to professional midwives. The ruling increases access to maternity care in the state and allows women and families more birth options and affirms their ability to exercise their rights to choose how their babies are born.

In a 5 to 2 ruling, the Court upheld a law that legalizes Certified Professional Midwives (CPMs) who practice in the state. The Court determined that the physician groups that brought the suit to overturn the law lacked standing because their only interest in the case was economic.

"The Missouri Supreme Court made the right decision today, and after 25 years of legislative struggles to ensure more birth options for families, we are very excited," said Mary Ueland, Grassroots Coordinator for Friends of Missouri Midwives (FOMM). "Now, we can commence with creating a system in Missouri where CPMs are part of a team of caregivers, where mothers are truly informed and able to determine their own birth preferences, and where midwives can appropriately transport when the need arises, without fear of reprisals, and without intimidation and harassment of the parents."

The decision makes legal Certified Professional Midwives (CPMs) and removes the threat of prosecution to professional midwives who assist families who choose out-of-hospital birth. State and national birth and midwives advocates hailed the ruling as a triumphant and historic moment in Missouri's history and evidence of a tipping point at hand on the national scale.

"Certified Professional Midwives must pass rigorous exams to obtain the credential, and participate in continuing education and peer review to keep current. They practice according to their Practice Guidelines within national standards for CPMs," said Debbie Smithey, president of the Missouri Midwives Association, "Missouri was one of only nine states to prohibit CPMs from practicing, and now the number drops to eight states remaining."

The Court's [opinion summary](#) is posted online. The ruling makes Missouri the 23<sup>rd</sup> U.S. state to allow professional midwives.

"Today's victory over Big Medicine is a real shot in the arm to the growing campaign to legalize midwives across the nation," said Susan Jenkins, legal counsel for the National Birth Policy Coalition and a consultant to the Missouri midwives. "This case confirms the message that's been reverberating loud and clear in both the mainstream media and the blogosphere ever since the American Medical Association launched its attacks against midwives and home birth last week—physicians do not have the right to speak for patients when it comes to deciding who delivers their babies. Missouri families now have legal access to CPMs, who provide high-quality, cost-effective care and fill significant gaps in the state health care system."

Across the nation, many have stepped up to help in a case that has been likened to a [David-and-Goliath battle](#), with midwives supporters hosting bake sales and garage sales to stand up to the enormously well-financed Missouri State Medical Association, an affiliate organization of the AMA. In February, an amicus curiae (friend of the court) brief was submitted by:

- [Citizens for Midwifery](#) (CfM)
- [Midwives Alliance of North America](#) (MANA)
- [National Association of Certified Professional Midwives](#) (NACPM)
- [Our Bodies Ourselves](#)
- [The National Birth Policy Coalition](#) (NBPC)

(more)

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The [amicus brief submitted by the coalition](#) urged the Court to reverse the injunction against the midwives law and made the case that increasing access to trained and qualified CPMs and out-of-hospital birth is beneficial to Missouri citizens.

The new Missouri Midwifery law was supposed to take effect Aug. 28, 2007, but the Missouri State Medical Association (MSMA) organized a well-financed challenge to the new law and was granted a temporary restraining order on July 3. Then on Aug. 8, Circuit Court Judge Patricia Joyce, who serves on the Board of Directors for St. Mary's Health Center in Jefferson City, disallowed the Certified Professional Midwives provision contained within HB818 regarding portability and accessibility of health insurance.

Judge Joyce ruled the provision was unconstitutional and unrelated to health insurance, despite hearing from Assistant Attorney General John K. McManus and Midwifery Coalition attorney Jim Deutsch that decriminalizing midwifery does indeed relate to health insurance as they recalled that the Missouri Supreme Court has already ruled health insurance is interdependent on health services, and the two subjects are related.

During the Circuit Court appeal to Judge Joyce on Aug. 2, Deutsch cited nine other states where Medicaid covers home births attended by Certified Professional Midwives and many others where CPMs receive private insurance reimbursement. Both McManus and Deutsch argued that families obviously cannot get health insurance reimbursement for their midwives if their providers are considered felons by the state. They agreed that legalizing Certified Professional Midwives is a first step to home birth families being able to have their maternity care providers covered by insurance. They also cited the lower cost of midwifery care, which in turn could encourage insurance companies to lower their rates for healthy women.

### Midwives Supporters Seek Donations to Help Pay Legal Fees

To help pay for the legal fees incurred over the past year, families across Missouri have undertaken fundraising efforts, including bake sales, garage sales, and other community fundraising events. "Through our own efforts, we have steadily chipped away at our legal bills, but we still need help," said Laurel Smith, President of Friends of Missouri Midwives. Smith added that donations to help pay the legal fees of the coalition of midwives and their supporters can be made at <http://www.FreeTheMidwives.org>.

Missouri is a priority of The Big Push for Midwives Campaign <<http://www.TheBigPushforMidwives.org>>, a nationally coordinated campaign to advocate for regulation and licensure of Certified Professional Midwives (CPMs) in all 50 states, the District of Columbia and Puerto Rico, and to push back against the attempts of the American Medical Association Scope of Practice Partnership to deny American families access to legal midwifery care. The Big Push for Midwives Campaign is the first initiative of the National Birth Policy Coalition (NBPC). Through our work, we are playing a critical role in the building of a new model of U.S. maternity care delivery at the local and regional levels. At the heart of this new model is the Midwives Model of Care, which is based on the fact that pregnancy and birth are normal life processes.

Media inquiries about the Missouri Supreme Court case should be directed to Mary Ueland at (417) 543-4258, [grassroots@friendsofmomidwives.org](mailto:grassroots@friendsofmomidwives.org). Media inquiries about The Big Push for Midwives Campaign should be directed to Steff Hedenkamp at (816) 506-4630, [RedQuill@kc.rr.com](mailto:RedQuill@kc.rr.com).

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**NOTE: The Missouri Supreme Court’s ruling today legalizes Certified Professional Midwives and how they practice within their scope of practice for pregnant women, and has nothing to do with abortion, c-sections, or epidurals.**

The Midwifery Amendment

376.1753. Notwithstanding any law to the contrary, any person who holds current ministerial or tocological certification by an organization accredited by the National Organization for Competency Assurance (NOCA) may provide services as defined in 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I).

**Tocology** is the science of midwifery or obstetrics. The National Organization for Competency Assurance (NOCA) certifies more than 160 credentials, most of which are in the medical field. The Certified Professional Midwife (CPM) and Certified Nurse Midwife (CNM) are the only tocological certifications under NOCA. CNMs are already allowed to practice under their own statute. There are no ministers certified by NOCA. Therefore, **the CPM is the only credential affected by this language.**

This portion of the US Code says “services related to pregnancy (including prenatal, delivery, and post partum services).”

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