

CURRENT RULE

A.A.C. R9-16-108. Responsibilities of a Midwife; Scope of Practice

I. During the prenatal period, the midwife shall:

1. Until October 1, 2013, schedule or arrange for the following tests for the client within 28 weeks gestation:

f. Syphilis as required in A.R.S. § 36-693;

3. As of October 1, 2013, except as provided in R9-16-110, ensure that the tests in section (I)(1) are completed by the client within 28 weeks gestation;

A.R.S. § 36-693 Blood tests required; pregnant women; umbilical cord at delivery; definition

A. A physician shall at the time of the first prenatal examination, after a diagnosis of pregnancy, take or cause to be taken a sample of the blood of the woman and submit it to an approved laboratory for a standard serological test for syphilis. If the woman has not had a serological test prior to delivery, a sample of blood from the umbilical cord shall be taken at delivery for examination.

B. Any other person permitted by law to attend pregnant women but not permitted to take blood samples shall cause a sample of the blood of each pregnant woman attended by him to be taken under the direction of a duly licensed physician of medicine and surgery as required by subsection A. The physician shall have the sample submitted to an approved laboratory for a standard serological test for syphilis.

C. For the purpose of this section "standard serological test" means a test for syphilis approved by the director and made at a laboratory approved by the director to make such tests. A laboratory test required by this section shall be made by the state laboratory without charge.

PROPOSED RULE

A.A.C. R9-16-108. Responsibilities of a Midwife; Scope of Practice

I. During the prenatal period, the midwife shall:

1. Until October 1, 2013, schedule or arrange for the following tests for the client within 28 weeks gestation:

f. Syphilis

3. As of October 1, 2013, except as provided in R9-16-110, ensure that the tests in section (I)(1) are completed by the client within 28 weeks gestation;

JUSTIFICATION

Removing "Syphilis as required in A.R.S. § 36-693" and replacing it with "Syphilis" as another declinable laboratory test better fits the midwifery licensing rules in Arizona as well as the midwifery model of care. Autonomous, informed choice for midwifery clients consenting or declining certain testing without fear of losing their care provider is central to midwifery care.

Beyond the right to informed choice, citing A.R.S. § 36-693 in midwifery rules is an error as midwives do not meet the descriptions stated in the statute. Midwives are not physicians as described in A.R.S. § 36-693 A, nor are they "any other person permitted by law to attend pregnant women but not permitted to take blood samples" as described in A.R.S. § 36-693. Phlebotomy or at minimum the ability to order

laboratory tests is part of licensed midwives training, standard of practice and expectations as outlined in rule. Licensed midwives are independent care providers and do not operate under a physician's license or supervision.

If interpretation of the statute is that all midwifery clients must obtain physician consultation for syphilis testing, this is both cost prohibitive and nearly unobtainable. If it is determined that midwives are not permitted to take blood samples, this poses a serious health risk to mothers and babies. Newborn metabolic screening and routine laboratory testing is considered part of routine midwifery care.

REFERENCE LIST

- ACOG. (2007). Ethical decision making in obstetrics and gynecology. ACOG Committee Opinion No. 390. American College of Obstetricians and Gynecologists. Obstet Gynecol 2007;110:1479–87. Reaffirmed 2013.
- Arizona Revised Statute. A.R.S. § 36-693 Blood tests required; pregnant women; umbilical cord at delivery; definition