



State of New Jersey
DEPARTMENT OF HEALTH

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March 1, 2021

TO: CEOs and Administrators of Birthing Centers

FROM: Marcela Ospina Maziarz, MPA *MM*
Deputy Commissioner, Health Systems Branch

SUBJECT: Waiver Recognizing the Practice of Certified Professional Midwives in Birthing Centers licensed pursuant to N.J.A.C. 8:43A

The Department of Health (Department) has reviewed the rules governing the practice of Certified Professional Midwives in the State of New Jersey and has determined to amend N.J.A.C. 8:43A-28 to reflect the current practice standards for midwifery as governed by the New Jersey State Board of Medical Examiners (BME). The BME rules permit Certified Professional Midwives to provide midwifery services. While the Department works to amend its rules, it has determined to issue this waiver to allow Certified Professional Midwives the authority to practice in licensed birthing centers in the State of New Jersey.

N.J.A.C. 8:43A-2.9 provides that the Commissioner or his or her designee may, in accordance with the general purposes and intent of N.J.S.A. 26:2H-1 et seq., issue a waiver from the provisions of those chapters, when in his or her opinion, such waiver would not endanger the life, safety, or health of a patient or the public. As such, the Department has determined that it is appropriate to allow Certified Professional Midwives the authority to practice in licensed birthing centers in the State of New Jersey. A person licensed as a Certified Professional Midwife in the State of New Jersey must remain in compliance with the Division of Consumer Affairs State Board of Medical Examiners Limited Licenses.

Birthing Centers that utilize Certified Professional Midwives shall meet the following conditions:

- 1) All Certified Professional Midwives shall be licensed by the State of New Jersey to practice midwifery and meet all the requirements of the New Jersey State Board of Medical Examiners which are located at N.J.A.C. 13:35-2A: Limited Licenses-Midwifery.
- 2) The facility shall have policies and procedures in place to ensure the safety of patients and staff.

The waiver may be rescinded at any time if the waiver should result in any negative impact to patient care. Furthermore, the waiver will expire upon any amendments to the rules identified above.

This waiver is effective immediately. Please note that this waiver relates to Certificate of Need and/or Licensing requirements only and does not imply acceptance by a reimbursing entity. Issues involving reimbursement are solely between the facility and third-party payer. The Department is neither a party to such matters nor an arbiter of disputes between the parties.