



C. Earl Hunter, Commissioner

*Promoting and protecting the health of the public and the environment.*

December 15, 2010

**MEMORANDUM**

**TO:** Birthing Center Administrators

**FROM:** Nancy E Maertens, Director  
Division of Health Licensing

**SUBJECT:** Vaginal Birth After Cesarean (VBAC) at South Carolina Licensed Birthing Centers

It has come to our attention that certain licensed birthing centers already have or are considering offering the service of delivery of VBAC patients by physicians in those birthing centers.

In our Memorandum dated March 27, 2006 (copy enclosed) the Department outlined our position, based upon a review of an extensive range of professional literature and consultation with the Commissioner's Obstetrical Task Force, that VBACs are not low-risk deliveries and are therefore outside the scope of practice for licensed midwives. As established in Licensing of Birthing Centers: S.C. Code Ann. § 44-89-60(1), "Births planned to occur at a birthing center must be restricted to low-risk births following normal uncomplicated pregnancy." "Low risk" is defined by S.C. Code Ann. § 44-89-30(6) as "normal, uncomplicated prenatal course as determined by adequate prenatal care and prospects for a normal, uncomplicated birth as defined by reasonable and generally accepted criteria of maternal and fetal health." Furthermore, as noted in S.C. Code § 44-89-60(4) and in Standards for Licensing Birthing Centers for Delivery by Midwives: 25A S.C. Code Ann. Regs. 61-102 (Supp 2009) § D.(6)(a)(2), "A physician must make a written determination that the planned birth is low risk" for every woman who plans to give birth in a birthing center.

Since the Department ruled in our March 27, 2006 memorandum that VBACs are not low-risk deliveries, and both licensing standards and the S.C. Code establish that births occurring in birthing centers must be restricted to low-risk births, it is the decision of the Department that VBACs will not be permitted in licensed birthing centers.

If you have any questions you may contact Michell Hatcher at 803-545-4968.

NM/MH/mh

Enclosure

CC: Pamela M. Dukes, DHEC      Dennis L. Gibbs, DHEC  
Ashley Biggers, DHEC      Michell Hatcher, RN, BSN



2600 Bull Street  
Columbia, SC 29201-1708

March 27, 2006

**MEMORANDUM**

**TO:** Licensed Midwives, Licensed Midwife Apprentices, And Interested Citizens

**FROM:** Dennis L. Gibbs, Director  
Division of Health Licensing 

**SUBJECT:** Vaginal Birth After Cesarean (VBAC) and Licensed Midwifery Practice

As requested by the Licensed Midwifery Advisory Council in May 2005, the Department has undergone a second review of professional literature and other information provided by Licensed Midwives, health care professionals, Department staff and other interested citizens regarding the scope of Licensed Midwifery practice and performing vaginal birth after Cesarean (VBAC).

In May 2004, upon conclusion of a study by Department staff, the Department's position regarding Licensed Midwife practice and VBAC was announced at the Midwifery Advisory Council meeting. In August 2004, a letter was sent to all midwifery licensees specifying that it would be considered a violation of Regulation 61-24, *Standards for Licensing Midwives*, Section D. Scope of Practice, for Licensed Midwives to perform VBAC and that current VBAC clients must be referred to a licensed physician for medical care.

A lengthy and in depth review of all available information, to include consultation with the Commissioner's Obstetrical Task Force in August 2005, has been completed. It is the decision of the Department that the existing policy will not be changed. It is the Department's position that the care of patients desiring VBAC is not low-risk and therefore is outside the scope of practice for Licensed Midwives, as that scope is defined in the above referenced regulation.

Among the extensive range of professional literature and information provided to the Department that has been reviewed and considered are the following:

Macones, George A., MD, MSCE *et al.*, "Maternal complications with vaginal birth after cesarean delivery: A multicenter study," *American Journal of Obstetrics and Gynecology*, Vol. 193, November 2005, pp. 1656-1662.

Lieberman, Ellice, MD, DrPH *et al.*, "Results of the National Study of Vaginal Births After Cesarean in Birth Centers," *Obstetrics and Gynecology*, Vol. 104, November 2004, pp. 933-942.

Lie, Desiree, MD, MEd, "Trial of Labor After Cesarean Section (TOLAC): Updated Clinical Recommendations," American Academy of Family Physicians Scientific Assembly, July 2005, and Medscape, January 6, 2006.

American College of Obstetricians and Gynecologists, "Vaginal Birth After Cesarean Delivery," Practice Bulletin #54, July 2004.

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**Joint Commission on Accreditation of Healthcare Organizations, "Preventing infant death and injury during delivery," Sentinel Event Alert, Issue 30, July 21, 2004.**

**American College of Nurse-Midwives, South Carolina Chapter 2, "Secondary VBAC at Home or Birth Center," Letter of August 2, 2005 signed by Thomas M. Chappell, CNM, MSN, Chairperson, with Secondary VBAC Bibliography prepared by Sharon Bond, CNM, MSN.**

**I appreciate the considerable concern and contributions of South Carolina's licensed midwives and other interested clients and citizens during this lengthy process.**

**If there are any questions, please contact me or Robert E. Barnwell, RN, Perinatal Nurse Administrator, at 803-545-4370.**

**DLG/REB/rb**

**cc: C. Earl Hunter, Commissioner  
Leon Frishman, Deputy Commissioner  
Members of Midwifery Advisory Council**

**Jerry Paul, Bureau Director  
Robert E. Barnwell, DHEC**