



## Australian Government

### Department of Health and Aged Care

31 October 2023

#### **A letter from Chief Nursing and Midwifery Officer Alison McMillan PSM regarding midwifery indemnity insurance**

Dear colleagues

On 17 October 2023, the Department of Health and Aged Care became aware of a gap in professional indemnity insurance cover for intrapartum care outside of a hospital setting provided by endorsed midwives. This directly impacts all midwives who provide private midwifery services in the intrapartum period at a place other than a hospital (i.e., early intrapartum care in the home).

This means that women who are planning to birth in hospital with a private midwife will be unable to have intrapartum care provided by their midwife outside of hospital and may be asked to attend hospital. This applies to all midwives providing this care, not just those with admitting rights.

The department is urgently investigating options to extend professional indemnity insurance and the Midwife Professional Indemnity Scheme for intrapartum care outside of a hospital setting, so that we can resolve this issue as soon as possible.

Important messages for midwives:

- The department has consulted with the insurance provider and reached an in-principle agreement that for a midwife to determine whether the onset of labour has occurred (after which the care is 'intrapartum'), best practice may involve the midwife triaging the situation over the telephone with the woman.
- From that triage call, the midwife may then agree to attend the woman, at a place outside of a hospital, to perform a clinical assessment to determine whether labour has, or has not, commenced.
- Any care, investigations or clinical assessment undertaken before the determination of labour is likely considered antenatal care and therefore in scope for the terms of professional indemnity insurance.
- Once the onset of labour is determined by the midwife (or another qualified health practitioner), under the current policy wording, the midwife would not be indemnified for intrapartum care outside of a hospital (other than 'an unforeseen emergency situation where timely access to a hospital was not possible' as per 5.7 of policy).
- If you provide care to women in early labour, and they are planning to birth in hospital, once the onset of labour is determined you will need to advise transfer to hospital as soon as practicable.

- Planned homebirths may continue as intended and are not affected and remain uncovered by professional indemnity insurance. Midwives providing homebirth care are covered by an exemption to hold professional indemnity insurance under section 284 of the National Law.
- This also has implications for MBS item 82116, which was introduced on 1 March 2022. This item provides for management of labour by a participating midwife for up to six hours, not including birth, at a place other than a hospital. This item should not be claimed until this issue is resolved.

We recognise that midwifery continuity of care is incredibly important and has the best outcomes for women and babies. We will continue to work to make sure that it is accessible and supported.

We know that this may disrupt the birth plans of expectant parents during a highly emotional and significant time, and that the disruption will no doubt cause concern and disappointment.

The department understands the significance of this issue and is working with all parties to find a solution as quickly as possible.

A resolution will ensure that more women can access the care and support of their chosen midwife in those important hours before birth.

The department will provide further updates to peak bodies and publish information on [health.gov.au](http://health.gov.au) to keep midwives and parents fully informed of developments.

**Information for women and families:**

The Department has published an information sheet for health professionals to share with expectant mothers and their families.

This can be downloaded from

[www.health.gov.au/resources/publications/information-for-women-and-families-about-midwifery-indemnity-insurance](http://www.health.gov.au/resources/publications/information-for-women-and-families-about-midwifery-indemnity-insurance)

**Webinar**

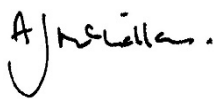
The department invites all midwives and health professionals to join an upcoming webinar where a panel of midwifery and policy experts will discuss the impacts of these changes and answer participants' questions.

**Date and time:** Monday, November 6, 2023 4:00 pm to 5:00 pm AEDT

**Who can join:** You do not need to RSVP for the webinar, and there is no limit to the number of participants.

**Webinar link:** <https://health-au.webex.com/health-au/j.php?MTID=me08ce7634182cb3df5bf34f04dc11f6d>

Yours sincerely



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Chief Nursing and Midwifery Officer  
31 October 2023