

MISSOURI RIGHT TO LIFE URGES GOVERNOR TO FIND A PRO-LIFE RESOLUTION TO THE PRO-LIFE ISSUES RAISED BY HB 818

"HB 818 establishes the Missouri Health Insurance Portability and Accountability Act. Missouri Right to Life has no position on the main topic of this bill. However, HB 818 contains a new provision, section 376.1753, that permits midwives to perform services that Missouri law has not previously allowed. Missouri Right to Life has no position on whether, in general, expanding midwives' role in pregnancy and childbirth is appropriate. Unfortunately, because of the drafter's choice of language in the amendment, including the use of a term that has been all but forgotten in the English language—"tocological"—the new provision can be exploited to allow abortions to be performed by non-physicians," said Pam Fichter, President.

"The language that causes the problems is as follows: "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)." (New section 376.1753, RSMo.)," according to James S. Cole, legal counsel for Missouri Right to Life.

"What services are allowed under this statute? They are described as "services related to pregnancy (including prenatal, delivery, and post partum services)." 42 U.S.C. 1396 r-6(b)(4)(E)(ii)(I). Abortion is obviously "related to pregnancy," and the federal courts have said more than once that Medicaid covers abortions except for the types of abortion described in the pro-life Hyde Amendment. See Hope Medical Group for Women v. Edwards, 63 F.3d 418 (5th Cir. 1995); Little Rock Family Planning Services v. Dalton, 60 F.3d 497 (8th Cir. 1995); Hern v. Beve, 57 F.3d 906 (10th Cir. 1995). The Hyde Amendment was not incorporated into HB 818, only the description of pregnancy services. That means the protections of the Hyde Amendment do not apply," said Cole.

"What persons may perform the services allowed under this statute? Anyone that has received a "ministerial or tocological certification" from one or another "organization accredited by" the NOCA. The NOCA accredits many different types of organizations, ranging from the Certified Mine Safety Professional Certification Board and the National Commission for the Certification of Crane Operators to the American Academy of Nurse Practitioners and the American Midwifery Certification Board," according to Cole.

"Regrettably, it appears that the abortionists have been handed an unexpected gift in HB 818. Whatever the intent of the drafters and proponent of new sec. 376.1753, it is clear that its terms give abortionists great support in arguing that HB 818 allows non-physicians to perform abortions in Missouri," according to Fichter.

"Missouri Right to Life urges the Governor's leadership in finding a pro-life resolution of the pro-life issues raised by HB 818," said Pam Fichter.