



Self Employed Community Midwives

In 2008 the State Claims Agency (SCA) which operates the Clinical Indemnity Scheme (CIS) entered into an arrangement with the Health Service Executive (HSE) in relation to the provision of medical malpractice indemnity in respect of Self Employed Community Midwives (SECMs). This medical malpractice indemnity is provided to the HSE, but extends to SECMs PROVIDED:-

- The care and treatment provided by the SECM to the expectant mother is provided after the date specified in the Memorandum of Understanding signed between the SECM and the HSE, and;
- The care and treatment provided by the SECM falls within the terms of that Memorandum of Understanding, including the criteria set out by the HSE in their document entitled “Clinical Governance Pathway of Care”.

In the HSE document entitled “Clinical Governance Pathway of Care” it is stated by the HSE that:-

The Self employed community midwife having regard to “*Risk factors that identify those women who may be at risk for a home Birth*” as per appended tables one to five, considers whether the expectant mother is a suitable candidate for a Home Birth and if satisfied undertakes to provide midwifery services for a Home Birth on his/her own professional judgement and responsibility. Tables 1 and 2 would render an application too great a risk for



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inclusion in a home birth service. With regard to tables 3 and 4 it is considered that where the specified factors exist a woman should only be included in a home birth service following assessment by a consultant obstetrician who would advise on the suitability of a Home Birth in the particular case.

For the avoidance of any doubt, the CIS will only provide medical malpractice indemnity when the SECM is acting within the strict terms of the MOU and its associated schedules, as laid down by the HSE.

Should an expectant mother and her nominated SECM proceed with a Home Birth outside the terms of the MOU and its associated schedules, then the SECM will not have the benefit and protection of CIS cover in respect of any subsequent medical malpractice claim or Inquest.

For any queries on this matter please contact info@stateclaims.ie.

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