

November 8, 2023

RE: Certified Nurse Midwives (CNM) and Kansas Health Care Stabilization Fund (HCSF)

Currently CNMs are required to participate in the HCSF as a healthcare provider since 2012. Up until approximately 2020 this had not been an issue due to the large availability of insurance providers that participated in the HCSF offering coverage to CNMs. After 2020 there were **NO** insurance providers in the HCSF offering coverage to CNMs. CNMs were left with no other option then to utilize the Kansas Availability Fund which cost 2-3 times the normal CNM premium. Just recently this year, The Doctors Company became the only carrier offering coverage in the fund, but will still not cover all CNM practices, leaving some CNMs to still have to use the Availability Fund.

CNMs who are masters and doctoral prepared, licensed, and board-certified health care providers are moving out of state due to inability to obtain or pay for malpractice. Some CNMs have let their license go inactive to work in other professions. **With rising rates of maternal mortality, a health care provider shortage, and 75% of Kansas counties without maternal child health providers we need to find a solution to keeping our healthcare providers here in Kansas.**

- **Only one insurance carrier is covering CNMs in KS.** This is causing a monopoly for coverage with inflated premiums because there is no competition. Their premiums are high when compared to out of state coverage.
- There is no differentiation for CNMs working part time, GYN only, in non-clinical practice (academia, retired, active licensure to sit on regulatory/statutory boards, are in between jobs, maternity/paternity leave).
- Many CNMs are required to use the Availability Fund which deems providers “high risk”. CNMs have consistently lower rates of litigation which is what HCSF and availability fund surcharges should be based on, yet they remain high and have increased just this year.
- Kansas insurance brokers are adding to confusion by issuing policies for CNMs that are not part of HCSF and then CNMs are paying for policies that don’t meet requirements.
- **State Tort Coverage** should cover health care providers including CNMs working within their scope of employment in state institutions (State of Kansas universities, public health departments, etc.). This is money that is already coming out of taxpayer funds in those sites because malpractice is usually paid by the employer. CNM working in a federal facility (VA, FQHC, military, etc.) are covered under federal tort.
- Physicians have **tiered categories in the HCSF** based on complexity and risk of services provided. CNMs also have a varied scope of practice that may include non-clinical, GYN only to full scope with surgical and OB. CNMs and/or physicians working in non-clinical practice should not be paying the same malpractice rates as someone doing surgery.
- **Insurance companies have consistently cited many barriers and costs to being approved for KS HCSF** and this has been a deterrent for those wanting to offer CNM coverage.
- Statutory language specifically exempts physicians at University of Kansas Medical Center yet does not address CNMs, CRNAs, or other providers in the HCSF teaching in this same KU facility. This may also be problematic for physicians teaching in other Kansas schools of medicine including the Osteopathic School in Wichita as it does not exempt these educators. It is also not inclusive of CNM, CRNA, or PA educators/residents at other Kansas universities.

Despite bringing attention to this matter for the past several years, there has been no resolution. We are asking for your help in removing the barriers to affordable, equitable malpractice for CNMs in the State of Kansas so that we can keep qualified healthcare providers here in Kansas.

Sincerely,

Kansas Affiliate of the American College of Nurse-midwives