

Abortion Law Reform: Information for midwives

The Abortion Legislation Bill was passed on March 24th 2020. The amendments have updated the Contraception, Sterilisation, and Abortion Act 1977 and the Crimes Act 1961, and abortion has now been decriminalised.¹

Key points about the Abortion Law Reform Bill

1. Women can now directly refer themselves to a service provider.
2. A wider range of health practitioners will now be able to provide abortion services and midwives are included on the list of registered health professionals. This is subject to specific scope of practice and approved training. The prescribing of medicines to induce abortion sits within the scope of practice of a midwife (Midwifery Council, 2020).^{2 3}
3. The Midwifery Council has outlined the scope of practice of a midwife in respect to the provision of medical or surgical abortion services.⁴ As described by the Midwifery Council; *“Competency 3.5 states that the midwife demonstrates an understanding of the needs of women/wāhine and their families/whānau in relation to infertility, complicated pregnancy, unexpected outcomes, abortion, adoption, loss and grief and applies this understanding to the care of women/wāhine and their families/whānau as required.”*⁵
4. The Midwifery Council will be developing education requirements to support midwives in the provision of abortion services. They have stipulated that midwives will need to undertake additional education before they can commence this work.⁶
5. There are no statutory requirements for abortions up to 20 weeks of pregnancy and a qualified health practitioner can provide abortion services without consultation with another health practitioner.
6. Multi-disciplinary care is necessary for women who have pregnancies over 20 weeks’ gestation.⁷
7. Abortions no longer have to be performed in licensed premises so services can now be provided to women in the community.

8. Counselling services are not mandatory but health practitioners must inform women considering abortion of the availability of counselling services.
9. Health practitioners have a right to object to providing abortion services, but they are required to inform a woman seeking an abortion of their objection and refer the woman to the closest provider of services.
10. Employers are to accommodate employees who have objections to involvement in abortion services if this does not disrupt health service provision.
11. A list of abortion service providers can be accessed via the Director-General of Health but health practitioners may have their name removed by request.

Although care of women undergoing abortions is included in the Midwifery Council's Competencies for Entry to the Register for Midwives, the recent law change means midwives' role in providing this care can be expanded in the future. The Council has indicated that it will expect midwives to undertake additional education in order to update themselves on the law changes (regardless of whether they wish to provide this care). The Council has also stipulated that midwives who wish to provide medical or surgical abortion services, will also need to undertake additional education prior to offering these services.

The medications used for medical abortion are currently mifepristone and misoprostol. Misoprostol is unapproved for use in maternity care and for abortion. The College consensus statement regarding the prescribing of drugs that are unapproved for use in maternity care or for the newborn by midwives, states that unapproved drugs should not be promoted or prescribed by a midwife on her own responsibility.⁸ The College is aware that the unapproved status of Misoprostol may create a barrier to women's access to early abortion care by midwives and registered nurses. We have raised this issue in our recent submission to Pharmac regarding the funding for these medications, and with the Ministry of Health

For more information

- **Midwifery Council - The Midwifery scope of practice: Abortion services (March 2020)**

<https://www.midwiferycouncil.health.nz/midwives/practice-issues>

- **Midwifery Council – The Midwifery scope of practice: Abortion services (March 2020) FAQs**

<https://www.midwiferycouncil.health.nz/midwives/practice-issues/midwifery-scope-practice-abortion-services-march-2020-faqs>

- **Ministry of Health - Interim Standards for Abortion Services in New Zealand**

<https://www.health.govt.nz/publication/interim-standards-abortion-services-new-zealand>

- **Abortion Legislation: Information for Health Practitioners**

<https://www.health.govt.nz/our-work/regulation-health-and-disability-system/abortion-legislation-information-health-practitioners>

- **Abortion Legislation Bill**

<http://www.legislation.govt.nz/bill/government/2019/0164/latest/whole.html>

¹ Abortion Legislation Bill

<http://www.legislation.govt.nz/bill/government/2019/0164/latest/whole.html>

² <https://www.midwiferycouncil.health.nz/midwives/practice-issues>

³ <https://www.midwiferycouncil.health.nz/midwives/practice-issues/midwifery-scope-practice-abortion-services-march-2020-faqs>

⁴ <https://www.midwiferycouncil.health.nz/midwives/practice-issues>

⁵ <https://www.midwiferycouncil.health.nz/midwives/practice-issues/midwifery-scope-practice-abortion-services-march-2020-faqs>

⁶ <https://www.midwiferycouncil.health.nz/midwives/practice-issues>

⁷ <https://www.midwiferycouncil.health.nz/midwives/practice-issues/midwifery-scope-practice-abortion-services-march-2020-faqs>

⁸ New Zealand College of Midwives. (2010). *Consensus Statement: Prescribing of Drugs Unapproved for use in Maternity Care or for the Newborn* <https://www.midwife.org.nz/wp-content/uploads/2019/05/Prescribing-of-drugs-unapproved-for-use-in-maternity-care-or-for-the-newborn.pdf>