



June 1, 2026

To: Members of the Midwifery Advisory Council (MAC) and all licensed midwives

From: Charlene Bell
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Bureau of Hospitals, Community Services & Emergency Management
SC DPH

RE: Clarification of Issues Raised at the May 4, 2026 MAC Meeting

On May 4, 2026, the Midwifery Advisory Council (MAC) had a meeting. At the meeting, a member of the MAC read a statement indicating that the National Fellowship of Direct Entry Midwives (NFDEM) was an approved organization for testing of individuals seeking licensure as a midwife by the Department. A Department representative at the meeting sought to clarify that this was a recommendation by the MAC for the Department's consideration; however, it appears that a MAC social media webpage is professing that "NFDEM is now accepted as an approved organization for testing and midwife preparation under Regulation 60-24 Section C." The Department issues this memorandum clarifying its position on this matter and other practices of the MAC.

Midwife Licensure – Certification Requirements

Regulation 60-24 Section C states, in pertinent part:

Licensure as a midwife shall be by certification by [the North American Registry of Midwives or NARM] or other Department approved organization(s). Midwives requesting initial licensure will receive a license, provided they have evidence of certification by NARM or other Department approved organization(s) and have also met other requirements as established by the Department.

The Department has not approved NFDEM as an alternative certification organization for purposes of individuals seeking midwife licensure. Other than the information provided by certain members of the MAC on May 4, 2026, the Department has not received any other information concerning the programs or services offered and provided by NFDEM (to include a request from NFDEM to be approved).

Regulation 60-24 Section P.1.a establishes the MAC and provides that its purpose is for "reviewing and advising the Department regarding matters pertaining to the training, practices, and regulation of midwives in South Carolina." The MAC does not have authority to approve another

certification organization pursuant to Section C. Instead, that responsibility rests with the Department.

Accordingly, at this time, the Department has not reviewed or approved NFDEM as another certifying organization pursuant to Section C.

Opinions or Position Statements of the MAC

It appears the MAC or a subcommittee of the MAC has also issued position statements or policies regarding certain sections of Regulation 60-24. For example, there is a position entitled “Official Interpretation of Approved Care Providers and Regulatory Continuity” and a policy entitled “Tuberculosis (TB) Screening & Education.” Once again and pursuant to the regulation, the MAC has only advisory power. Any position statement or policy of the MAC does not represent the position of the Department. While the Department respects the advice of the MAC, the ultimate responsibility for administration and enforcement of Regulation 60-24 rests with the Department.

Should a licensed midwife have a question about the Department’s interpretation of Regulation 60-24, the licensed midwife may contact the Department at lmwsupport@dph.sc.gov.

Additionally, should a licensed midwife seek an exception to a provision of Regulation 60-24, the licensed midwife may submit an exception request to the Department pursuant to Regulation 60-24 Section B.8. As explained in a memorandum issued by the Department on August 28, 2025, the Department considers all previously issued provider-wide exceptions no longer in effect; however, licensed midwives may submit exception requests to the Department. The exception request form can be obtained by clicking [here](#). Should a license midwife have a question about exception or variance requests, the licensed midwife may contact the Department at ExR.BHFL@dph.sc.gov.

Practices of the MAC

It appears member(s) of MAC have established and are maintaining a MAC social media webpage. In doing so, the Department is concerned with the MAC’s compliance with the *Freedom of Information Act* (FOIA), S.C. Code Ann. Sections 30-4-10, *et seq.*

The MAC is a “public body” per FOIA. See S.C. Code Ann. § 30-4-20(a) (defining “public body” as “. . . any public or governmental body or political subdivision of the State, including . . . committees, subcommittees, advisory committees, and the like of any such body by whatever name known . . .”). FOIA defines “meeting” as follows:

"Meeting" means the convening of a quorum of the constituent membership of a public body, whether corporal or by means of electronic equipment, to discuss or act upon a matter over which the public body has supervision, control, jurisdiction or advisory power.

S.C. Code Ann. § 30-4-20(d). FOIA prescribes various requirements related to meetings of public bodies including, but not limited to the following:

- Meetings of public bodies shall be open – Section 30-4-60;
- Notice of meetings of public bodies – Section 30-4-80; and
- Minutes of meetings of public bodies – Section 30-4-90.

FOIA further states, “No chance meeting, social meeting, or electronic communication may be used in circumvention of the spirit of the requirements of this chapter to act upon a matter over which the public body has supervision, control, jurisdiction, or advisory power.” S.C. Code Ann. § 30-4-70(c).

By establishing and maintaining a social media webpage, members of MAC may be convening a meeting without complying with the applicable requirements prescribed by FOIA. Moreover, email correspondence between members of the MAC may also constitute a meeting pursuant to FOIA without complying with the applicable requirements prescribed by FOIA. The Department reminds and cautions members of the MAC regarding FOIA compliance.