

July 7, 1943

Arizona State Department of Health  
Hilda H. Kroeger, M.D., Director  
Maternal and Child Health Division  
Phoenix, Arizona

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**ARIZONA ATTORNEY GENERAL**

Dear Doctor:

Your letter of July 6, 1943, quotes from the Act making appropriations for the Department of Labor, and other related agencies, having reference to "persons licensed under state law to practice obstetrics."

Apparently the proviso has for its purpose giving the patient her own choice in the selection of either a medical practitioner or midwife, so long as state laws are complied with.

The various statutes governing the practice of medicine and other healing arts in this state exempt from their requirements the practice of midwifery.

Sections 68-609, 68-610 and 68-611, Arizona Code, 1939, provide for the registry of births by midwives, and for the registration of midwives with the state registrar and the local registrar of vital statistics.

While the legislature of Arizona, so far, has not seen fit to include the practice of midwifery in the medical license laws, you will note from the wording of Section 67-1102 of the Arizona Code, 1939, that it only excepts the "usual practice" of midwifery from the law.

Regularly licensed medical and surgical practitioners, of course, practice obstetrics; but we are of the opinion that, under existing law in Arizona, any midwife registered with the state and local registrars of vital statistics under Section 68-611 of the Code, would be entitled to recognition under the maternal and child welfare laws in the "usual practice" of midwifery, but if the services of such midwife went beyond the "usual practice" of midwifery and invaded the practice of medicine or surgery, then the funds and assistance under the Act could not be properly expended, except in the employment of a regularly licensed and practicing physician and surgeon.

Respectfully

JOE CONWAY  
Attorney General

THOMAS J. CROAFF  
Assistant Attorney General

EARL ANDERSON  
Chief Assistant  
Attorney General