

**Missouri State Medical Association
House of Delegates**

Resolution #17
(A-18)

Introduced by: Gary M. Gaddis MD PhD
Subject: Cerebral Palsy
Referred to: Reference Committee B

1 WHEREAS, matters of science should be decided by available scientific evidence, when such evidence
2 exists; and
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4 WHEREAS, a comprehensive scientific review of the possible impact of the practice of perinatal
5 monitoring upon the incidence of infants born with any degree of Cerebral Palsy, a review which was
6 published in the premier medical journal in the world, the New England Journal of Medicine¹, could not
7 discern any peer-reviewed information to suggest perinatal monitoring has any impact upon the
8 incidence of Cerebral Palsy births; and
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10 WHEREAS, the perceived existence of “fetal distress” often precipitates the perception of a need for an
11 emergency caesarian section delivery of the fetus; and
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13 WHEREAS, the United States has one of the highest rates of Caesarian deliveries in the developed world;
14 and
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16 WHEREAS, vaginal births are typically less likely to be complicated by prolonged recovery times,
17 prolonged pain or wound infections than is the case for Caesarian deliveries; and
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19 WHEREAS, the provision of perinatal monitoring in obstetrical units provides the public with a mistaken
20 perception that such monitoring somehow increases patient safety, when it actually does not; and
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22 WHEREAS, the allegation of “birth injury” resulting in Cerebral Palsy is therefore NEVER a factually-based
23 claim; and
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25 WHEREAS, such claims persist in being made in various instances of civil litigation, brought by plaintiffs’
26 attorneys on the behalf of patients who have been born with Cerebral Palsy, as well as their parents;
27 and
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29 WHEREAS, these civil litigation claims do not have any scientifically valid basis; therefore be it
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31 RESOLVED, that your Missouri State Medical Association (MSMA) will collect scientific documentation of
32 the lack of any relationship between events recorded during perinatal monitoring and the outcome of
33 Cerebral Palsy; and be it further
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35 RESOLVED, that the purpose of this documentation shall be to support the development and passage of
36 a new law, which would bar any alleged tort that purports any alleged relationship between events

37 recorded on a fetal monitoring record and the presence of Cerebral Palsy in a child born in Missouri; and
38 be it further

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40 RESOLVED, that your MSMA will reach out to the Missouri Hospital Association (MHA), to coordinate a
41 campaign of public information, designed to educate the public and elected officials that perinatal
42 monitoring, although able to provide real-time data about fetal heart rates, lacks any documented
43 efficacy to impact the incidence of Cerebral Palsy; and be it further

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45 RESOLVED, that your MSMA will initiate a lobbying campaign, alone or with the MHA, to publicize these
46 facts to the elected state legislators within the State of Missouri regarding the lack of efficacy of
47 perinatal monitoring to impact the incidence of Cerebral Palsy; and be it further

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49 RESOLVED, that your MSMA will lead a scientifically-based initiative, designed to enable outreach to
50 Missouri legislators, to result in the passage of legislation which will eliminate “birth injury” as a possible
51 alleged tort, because perinatal monitoring has no efficacy toward reducing the incidence of Cerebral
52 Palsy; and be it further

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54 RESOLVED, that representatives of your MSMA shall carry forward a resolution designed for the same
55 purpose, to be considered by the American Medical Association (AMA) at the next meeting of its House
56 of Delegates in Chicago, in June of 2018; and be it further

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58 RESOLVED, that the explicit purpose of such a resolution will be to promote legislative change by the
59 Congress of the United States, via outreach by agents such as lobbyists employed by your AMA, to
60 procure legislation to outlaw alleged torts purporting a causal relationship between data from perinatal
61 monitoring and the diagnosis of Cerebral Palsy; and be it further

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63 RESOLVED, that delegates from your MSMA to the next meeting of the House of Delegates of your AMA
64 shall make a reporting of the action, or lack thereof, taken by the AMA House of Delegates, toward this
65 resolution, in a timely fashion.

Fiscal Note:

Current Policy:

1. Nelson KB. Can we prevent cerebral palsy? N Engl J Med. 2006; 349: 1765-9.