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"Desired ultrasound" because of health needs of the unborn baby will be prohibited as of 2021.

The use of ultrasound in the context of antenatal care will only be permitted if there is a medical indication, after careful risk-benefit considerations and only after the pregnant women have been well informed and given their consent (on behalf of their child). What has gradually established itself in doctors' and midwives' practices and on the free health market as baby TV, baby viewing or baby watching and has even been promoted by health insurance companies for the recruitment of young members (subsidy for 3D/4D ultrasound) will in future be prohibited by law because of the impact on the child which has been well proven by scientific research.

On 5.12.2018, the "Verordnung zum Schutz vor schädlichen Wirkungen nichtionisierender Strahlung bei der Anwendung am Menschen" see below in the Federal Law Gazette (BGBl 2187-2196, Volume 2018, Part I No. 41).

Averting danger takes priority

After extensive research, the legislator assigned the application of ultrasonic waves more or less to the field of "non-ionising" radiation – though not fully correct from a physical point of view. In this area, the Federal Ministry for Environment, Nature Conservation and Nuclear Safety (BMU) has introduced a law which recently passed the legislative procedure. In addition to the use of various non-medical cosmetic treatments such as tattoo removal, liposuction or "lifts", the law expressly regulates the use of diagnostic ultrasound during pregnancy, which includes not only usual ultrasound but also CTG and dopton, which is frequently used by midwives (see below).

Following a recommendation of the Radiation Protection Commission on the "Application of Ultrasound to Human Beings" of 19/20 April 2012), consumer protection thus takes precedence over economic interests through restrictive regulations.

Ultrasound - stressful for the unborn child

Ultrasound waves have considerable biophysical effects on the unborn child. Despite the impressive data the consequences, especially for the child's brain development are underestimated. This area has been targeted by the legislature for several reasons: First of all, a huge market has emerged in recent years, eager to increase the application of ultrasound technology to pregnant women. This market has not been regulated yet. Secondly scientific research has produced a lot of data clearly proving problematic effects of too frequent ultrasound exposures on fetal brain development, however, this research data does not appear to be perceived (let alone to be taken into account) by the health market or by some professional medical circles.

Against the baby TV trend

In connection with medical prenatal care and the ultrasound examinations recommended in the maternity guidelines, the scope of the examination was increasingly and systematically expanded by extensive ultrasound exposures "for beautiful pictures" (4D ultrasound, wishful ultrasound as the so-called IGe benefit).

Little by little a demand arose among pregnant women and with it a flourishing market for "baby TV": ultrasound and Doppler devices ("Angel Sound") for self-testing are freely available today, DVDs are produced, private studios offer non-medical "baby viewing". Even the health insurance companies are participating in this highly problematic development by recruiting members for additional, medically non-indicated ultrasound examinations through cost commitments.

Ultrasound not without medical indication

In 90% of all pregnant women, CTGs are derived from the middle of pregnancy, although both the maternity guidelines and the medical guidelines do not provide for routine use of this high-energy technology. All these ultrasound exposures of unborn children beyond the medically necessary applications are prohibited by law as of 2021 and are considered an administrative offence.

The dangers and effects on cells and tissues such as cell change, cell damage, heating and cavitation were known, but were not adequately considered by many physicians. It remained with non-binding warnings - such as the call of the German Society for Ultrasound in Medicine (DEGUM) to carry out ultrasound exposures in pregnant women "as briefly and as rarely as possible". There was no way of controlling compliance with this recommendation.

The preparation of ultrasound images without medical necessity is now prohibited. The use of ultrasound during pregnancy is only permitted to physicians and other medical specialists (e.g. midwives) with special training. Additional ultrasound exposures beyond the three examinations provided for in the Maternity Directive are only permitted if there is a medical indication. The offer of IGe benefits is considered an administrative offence by law.

Comprehensive duties to provide information

The pregnant woman must be informed about the risks associated with ultrasound. She must consent to any examination on behalf of herself and her unborn child as trustee. Information and consent must be documented.

In contrast to non-medical applications of ultrasound in adults, where a positive effect is desired by the customer and the side effects and risks of which are knowingly accepted, the unborn child - as the explanatory memorandum expressly emphasises - is legally "a third party, a protective agent, who also does not derive any benefit from the applications". The parents and all occupational groups involved are obliged to give priority to the welfare of the child.

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