



Board of Certified Direct-Entry Midwives

Alaska Division of Corporations, Business and Professional Licensing

Meeting Minutes

November 4, 2022 at 12:00 PM AKST

These minutes were approved by the board in accordance with PL-12/online voting.

Members Present: Bethel Belisle, Hannah St. George, Darcy Lucey, Rachel Pugh

Staff Present: Sara Chambers, Director; Megyn Grieder, AAG

Guests: Laura Lemons, applicant; Zingre Veenstra, attorney for Ms. Lemons

Call to Order

Chair Belisle called the meeting to order at 12:06 p.m. She explained that the meeting had been called because Ms. Pugh had noticed reconsideration of the vote after the last meeting. Because the license had not been issued, the matter was before the board again. Chair Belisle, Ms. St. George, and Ms. Pugh declared no ethical conflicts to disclose; Ms. Lucey reiterated her conflict stated at the last meeting relating to Ms. Lemons' application. The chair reviewed the agenda, and no changes were suggested.

Reconsideration of Laura Lemons' Application for Midwife License

Chair Belisle reminded the members that this was the only item on the agenda for this special meeting and asked if members had any issues regarding Ms. Lemons' qualifications. Ms. Pugh did not believe that Idaho met the statutory requirement to be "licensed in another state with licensing requirements at least equivalent in scope, quality, and difficulty to those of this state." She recalled discussion with Ms. Lemons, and Ms. Chambers reminded her that executive session discussions must stay confidential. Ms. Pugh explained that the Idaho requirements were not equal because they use a CPM process, only 20 births, and only 5 continuity of care experiences.

Ms. Belisle clarified that Ms. Lemons' preceptor in Idaho had submitted a letter and asked if the board agreed she met the standard as a preceptor. Ms. Pugh asked if Ms. Lemons' application was complete. Ms. Greider said her certifications were current at the time of application. Ms. Lemons said that she had submitted the additional primary births required and would have had them earlier but didn't realize the standards weren't equal. Chair Belisle said that the licensee and preceptor should confirm that the requirements are met. She said the preceptor qualifications are not in question, just the numbers of births. Ms. Belisle thought she met 12 AAC 14.120 but asked AAG Greider to explain the statutes relating to license requirements, AS 08.65.070 and AS 08.65.050, as well as 12 AAC 14.120(b)(6). AAG Greider stated that Idaho did not meet the statutory standard because it does not have an apprenticeship requirement. The requirements of continuity of care are also different. She said that she had spoken with Ms. Lemons' attorney to work out the continuity of care experiences. AAG Greider said she thought that Ms. Lemons would qualify for licensure by examination but didn't elect to pursue that route and instead elected to apply via credential instead of examination. She hoped the board could work through the numbers of births to ensure the standard is met.

Ms. Lemons said that she was at a MEAC school and was able to experience VBAC and breech training in Idaho where it is allowed. Chair Belisle agreed the MEAC school requirement was the same, but the numbers of births and continuity of care are not the same. Ms. Lemons thought Idaho and Alaska were equal and she would be able to license through reciprocity but wasn't aware the standards were different. Ms. Chambers stated she thought the board should first focus on whether the standards for licensure by credentials were

met. If they are, they may approve the application. If not, Ms. Lemons could apply by examination and the division would expedite review and send to the board.

Ms. Belisle asked for more board input on their interpretation of the Idaho standards for licensure, as well as if members believe Idaho's practice is similar to Alaska's. Ms. Lucey said she noticed differences in numbers required by each state but didn't think they were substantial.

Ms. St. George asked whether Ms. Lemons was licensed in Idaho. Chair Belisle said Ms. Lemons was licensed in Idaho. Ms. Pugh said Ms. Lemons never practiced in Idaho, and Chair Belisle said that it wasn't relevant to applying for licensure. Ms. Pugh said she thought 12 AAC 14.120(e) did require practice in a state if applying by credentials. AAG Greider said that the board could *ask about* any prior practice of midwifery, even as an apprentice. Chair Belisle asked if 12 AAC 14.120(d) allowed the board to substitute what she has provided. AAG Greider said that only applied to standards under 12 AAC 14.120(b)(4).

AAG Greider shared her screen, and the board reviewed Idaho's standards. Chair Belisle asked whether applicants by credential must demonstrate they have met the standards for continuity of care—if her education could supplant the requirement for continuity of care experiences. AAG Greider advised that if the record was sufficient, they may be able to defend a decision that established equivalency that way, but it would create precedent. Chair Belisle stated she was afraid the board had already established a precedent by having issued licenses that way. AAG Greider said that a board may not violate statute to issue a license, so licenses issued that way would have been issued in error. Licenses issued in error do not become precedential. Chair Belisle said that the board probably never looked at that statutory requirement.

Ms. Lemons' attorney, Zingre Veenstra, asked what the record would need to look like. AAG Greider explained that to create a sufficient record, the board would need to demonstrate what numbers could be determined as sufficient to meet the stated requirement: the board chose specific numbers for a reason. Ms. Veenstra said that in some areas, her depth of experience surpassed Alaska's minimum requirements and asked what experience might encompass the remaining continuities of care. AAG Greider said it was up to the board to determine, per statute, whether the areas where she surpassed Alaska's requirements would be equivalent to the ones she is missing.

Chair Belisle asked the board whether they thought the areas where Ms. Lemons surpassed Alaska's requirements were sufficient to count as the remaining continuities of care. Ms. Pugh suggested she apply as an apprentice and submit the numbers. Ms. Veenstra said she was not applying as an apprentice but by credentials and was requesting the board look at her application holistically to see if the totality of her experience was sufficient for licensure as AAG Greider suggested was possible.

AAG Greider stepped in to clarify that this applicant's situation was unique, and the board did not have the discretion to issue a statement that the Idaho requirements are the same as Alaska's, and it seemed that they were not saying that now. Ms. Veenstra asked if the board has previously issued licenses by credential, why would that standard not be applied here. AAG Greider said that those licenses may have been issued in error, and it would be wrong for the board to continue to commit the error. She said the board was correcting its course by now not issuing licenses for states that do not substantially match Alaska's requirements. Ms. Chambers advised the board to be careful not to wander into the evaluation of whether previous Idaho-based licenses were issued in error. The board would need to go back and review to make that determination.

AAG Greider explained that if the board believed she did not meet the standards by credential, either by number or holistically, Ms. Lemons could withdraw her application so she avoided a denial on her record. She might consider applying by examination, which would not require taking the NARM again. She said that all she would need to do is submit the remaining missing numbers. Ms. Lemons said she doesn't have the continuities of care because she didn't know she needed them; getting them would take another six months, and her apprentice license would have to be renewed. She said she is a practicing midwife, and Ms. Pugh asked where she was practicing. Ms. Lemons declined to answer other than she holds a CPM.

Ms. Veenstra asked whether she could be granted a provisional license so she could complete these requirements. AAG Greider said there is no pathway under Alaska statute for a provisional license. Ms. Veenstra asked if the board can approve Idaho licenses as equivalent on a case-by-case basis, and AAG Greider said no, the standards are in statute and regulation.

The board discussed whether allowing Ms. Lemons to withdraw her application and reapply by examination would be the most preferable route. Ms. Lucey asked what that would require. AAG Greider said that she would likely need to renew her apprentice permit and that the board could allow her current application fee to count toward her new application. Ms. Lemons asked whether she could obtain the remaining numbers in Idaho rather than Alaska. Ms. Chambers asked the board to clarify exactly what was on the table since no motions had been made. AAG Greider said her understanding was that her only option to apply today was for her to apply by examination. License by credential will not work because Idaho's program is not equivalent and doesn't meet Alaska's statutory standard. The attorneys agreed that Ms. Lemons could either pursue the remaining continuities of care as an Alaska apprentice or to obtain the experience in Idaho and reapply for licensure by examination.

Ms. Lemons stated that while she appreciated the board's thoroughness, she felt she was being treated very differently than others in the same situation and that her application was being scrutinized because a board member is biased against her because her birth center opposed the legislation Ms. Pugh worked to promote. Ms. Lemons said that previous applications had never been "combed over" this thoroughly, including a similar one that was approved four months earlier. She said she wanted the concerns of Mat-Su Midwifery relating to Ms. Pugh on the record and asked Ms. Pugh recuse herself. Ms. Pugh said she did not have a bias and was following the law.

Ms. Veenstra said that she understood how the board's precedent could confuse an applicant coming from a state when the board has been approving licenses from that state with little scrutiny. She appreciated how the board may have acted in error in the past and is trying to correct it now; however, knowing others have been licensed using this pathway is frustrating. She is especially frustrated by the notice of reconsideration, as well.

Chair Belisle said that she understood. She asked how Ms. Lemons would like to proceed. Ms. Lemons said that she felt picked on and excluded and this will create division in the midwife community. This will not encourage people to come here or stay here. She stated that the board's decision is taking away her family's livelihood, which she felt was unfair and evil. Chair Belisle said she was also sad that none of her preceptors guided her through the requirements. Community-wise, midwives need to do some work. She hopes this will be smoother in the future to help grow the profession.

Ms. Veenstra asked whether Ms. Lemons needed to make a decision immediately. Ms. Chambers said the board could table the application awaiting Ms. Lemons' decision. If she wished to withdraw, Ms. Chambers could let the board know. If she did not wish to withdraw, then the board could take appropriate action then.

Ms. Lemons said she wanted to renew her apprentice application, and Ms. Chambers said the application and information is online. She said the current application payment could be applied to the apprentice renewal instead of a future application, if she wished. She encouraged Ms. Lemons to reach out when she was ready.

Motion by Ms. Pugh to table Ms. Lemons' application for licensure until the next board meeting or sooner. Seconded by Ms. Lucey. Approved unanimously.

Motion by Pugh to adjourn. Seconded by Ms. Lucey. Approved unanimously.

Adjourned at 1:15 p.m.