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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: December 23, 2022

RE: Filed Permanent Regulations: Board of Certified Direct-Entry Midwives

Department of Commerce, Community and Economic Development regulations re:
Board of Certified Direct-Entry Midwives - Certification, Renewal Requirements, Peer
Review, Continuing Competency, Records and Reports, and Code of Ethics (12 AAC
14)

Attorney General File:	2021200388
Regulation Filed:	12/23/2022
Effective Date:	1/22/2023
Print:	245, April 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO REGULATIONS OF THE
BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

The attached four pages of regulations, dealing with certification renewal requirements, peer review, continuing competency requirements for first time certificate renewals, records and reports, and code of ethics, are certified to be a correct copy of the regulation changes that the Board of Certified Direct-Entry Midwives adopted at its December 16, 2022 meeting, under the authority of AS 08.65.030, AS 08.65.080, AS 08.65.110, AS 08.65.140, and AS 08.65.190, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Certified Direct-Entry Midwives paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 12/16/22

Sara
Chambers

Digitally signed by Sara
Chambers
Date: 2022.12.16
14:44:26 -09'00'

Sara Chambers, Director
Division of Corporations, Business and
Professional Licensing

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on December 23, 2022 at 9:16 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

for April Simpson
Nancy Dahlstrom, Lieutenant Governor

Effective: January 22, 2023.

Register: 245, April 2023.

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2022.



Nancy Dahlstrom

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 14. Board of Certified Direct-Entry Midwives.

12 AAC 14.400(b)(5)(B) is amended to read:

(B) compliance with the peer review requirements in **12 AAC 14.445** [12 AAC 14.900]. (Eff. 5/11/94, Register 130; am 5/16/96, Register 138; am 3/2/2003, Register 165; am 5/2/2004, Register 170; am 2/23/2007, Register 181; am 8/19/2009, Register 191; am 11/25/2018, Register 228; am 1 / 22 / 2023 Register 245)

Authority: AS 08.65.030 AS 08.65.080

12 AAC 14 is amended by adding a new section to read:

12 AAC 14.445. Peer review. (a) A certified direct-entry midwife shall participate in not less than four hours of peer review during each certification period.

(b) During each certification period, a certified direct-entry midwife

(1) who was primarily responsible for a patient's care during that certification period shall, in accordance with (e) of this section, submit for peer review the records maintained under 12 AAC 14.540 for at least one case in which that midwife was primarily responsible; or

(2) who was not primarily responsible for any patient's care during that certification period shall, in accordance with (e) of this section, submit for peer review the records maintained under 12 AAC 14.540 for at least one case in which that midwife was involved.

(c) A certified direct-entry midwife submitting records under (b) of this section shall ensure that those records are kept confidential as required by state and federal law and, if records are submitted electronically, shall ensure that an electronic submission has sufficient security to maintain the confidentiality of the records submitted.

(d) A peer review participant receiving records submitted by a certified direct-entry

midwife under (b) of this section shall ensure that the records received are kept confidential as required by state and federal law.

(e) A certified direct-entry midwife must submit the applicable records described under (b) of this section to no fewer than two professionals licensed in this state, at least one of whom must be a certified direct-entry midwife from a practice other than that of the certified direct-entry midwife submitting for peer review, and the other of whom must be a

(1) certified direct-entry midwife from a practice other than that of the certified direct-entry midwife submitting for peer review;

(2) registered nurse;

(3) advanced practice registered nurse; or

(4) physician.

(f) Results or recommendations made by a peer review participant to the board in connection with a case submitted for peer review under this section are not binding on the board.

(g) A certified direct-entry midwife is responsible for maintaining adequate and detailed records of peer review participation performed under (a) this section and of a case submitted under (b) of this section and shall make the records available to the board upon request.

(h) Failure to comply with the requirements of this section is grounds for disciplinary sanction under AS 08.65.110.

(i) In this section, "peer review" means the review of a case submitted by a certified direct-entry midwife under (b) of this section by the peer review participants described under (e) of this section where each peer review participant and the certified direct-entry midwife submitting for peer review are able to communicate synchronously in real time. (Eff.

1 / 22 / 2023, Register 245)

Authority: AS 08.65.030 AS 08.65.110 AS 08.65.140

Register 245, April 2023 PROFESSIONAL REGULATIONS

12 AAC 14.450 is amended to read:

12 AAC 14.450. Continuing competency requirements for first-time certificate renewals. An individual who is applying for a direct-entry midwife certificate renewal for the first time shall certify having completed one half of the continuing competency requirements in 12 AAC 14.420 - **12 AAC 14.445** [12 AAC 14.440] for each complete calendar year that the applicant was certified during the concluding license period. (Eff. 5/11/94, Register 130; am 1 / 22 / 2023, Register 245)

Authority: AS 08.65.030 AS 08.65.080

The section title of 12 AAC 414.540 is changed to read:

12 AAC 14.540. Records and reports.

...

12 AAC 14.540 is amended by adding a new subsection to read:

(f) Not later than 14 days after the delivery or transfer of care of a client for whom a certified direct-entry midwife had primary responsibility, the certified direct-entry midwife shall report to the board on a form provided by the department if that client died. (Eff. 5/11/94, Register 130; am 5/16/96, Register 138; am 8/19/2009, Register 191; am 1 / 22 / 2023, Register 245)

Authority: AS 08.65.030 AS 08.65.140 AS 08.65.190

12 AAC 14.900 is repealed:

12 AAC 14.900. Peer Review. Repealed. (Eff. 5/16/96, Register 138; am 2/23/2007, Register 181; am 9/9/2016, Register 219; a, 11/25/2018, Register 228; repealed 1 / 22 / 2023, Register 245)

12 AAC 14 is amended by adding a new section to read:

12 AAC 14.910. Code of ethics. A certified direct-entry midwife shall adhere to the following materials adopted by reference as a code of ethics for certified direct-entry midwives in this state:

(1) *Alaska Board of Certified Direct-Entry Midwives Code of Ethics*, adopted April 26, 1994;

(2) the Midwives Alliance North America (MANA) *Statement of Values and Ethics*, revised and approved August 2010. (Eff. 1 / 22 / 2023 Register 245)

Authority: AS 08.65.030 AS 08.65.110 AS 08.65.140

Editor's note: A copy of the *Alaska Board of Certified Direct-Entry Midwives Code of Ethics* may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Certified Direct-Entry Midwives, State Office Building, 9th Floor, 33 Willoughby Avenue, Juneau, AK 99801; telephone (907) 465-2550; website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/Midwives.aspx>. A copy of the Midwives Alliance North America (MANA) *Statement of Values and Ethics*, revised and approved August 2010, adopted by reference in 12 AAC 14.910, may be obtained from the Midwives Alliance of North America, P.O. Box 373, Montvale, NJ 07645 or on the Midwives Alliance North America website at <https://mana.org/sites/default/files/pdfs/MANASTatementValuesEthicsColor.pdf>.