

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSE

BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

550 West 7th Ave
Atwood Building Room 1270
Anchorage, AK

April 24-25, 2014

By authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6, a scheduled meeting of the Board of Certified Direct-Entry Midwives was held April 24-25, 2014, 550 West 7th Ave, Suite 1270 Anchorage, AK

Thursday April 24, 2014

Agenda Item 1 - Call to Order/Roll Call

Cheryl Corrick called the meeting to order 9:08 a.m. A quorum of the Board was present.

Cheryl Corrick, CDM, Chair, Fairbanks
Deborah Schneider, CDM, Wasilla
Sarah Taygan, CNM, Anchorage
Jennifer Swander, Public Member, Seward

Approved absence, Peggy Downing, MD, Wasilla

Present from the Division of Corporations, Business & Professional Licensing

Sara Chambers, Director
Connie Petz, Licensing Examiner
Alvin Kennedy, Investigator

Public Members present on April 24, 2014

Peggy Halsey, Judi Davidson, Lena Kilic, Laura Gore, Darcy Lucey, Onica Sprokkreeff, Tammy Gifford, Susan Terwilliger, Holly Steiner, Rebecca McKimmey

Public Members present on April 25, 2014

Peggy Halsey, Judi Davidson, Susan Terwilliger, Lena Kilic

Agenda Item 2 Consent Agenda

1. Minutes August 22-23, 2013
2. Minutes February 21, 2014 Teleconference
3. Board correspondence to Senator Pete Kelly 2-21-14
4. Board correspondence to Representative Keller 2-21-14

The board pulled item 1, Minutes August 22-23, 2013 for additional discussion.

ON A MOTION MADE BY TAYGAN, SECONDED BY SCHNEIDER, IT WAS RESOLVED TO APPROVE THE CONSENT AGENDA ITEM 2, FEBRUARY 21, 2014 MINUTES OF THE TELECONFERENCE, ITEM 3, BOARD CORRESPONDENCE TO SENATOR KELLY AND ITEM 4 BOARD CORRESPONDENCE TO REPRESENTATIVE KELLER. ALL IN FAVOR, NO NAYS.

The board discussed the minutes for August 22-23, 2013 and determined two items needed further clarification. Agenda item 10, public comment and approved continuing education providers. Ms. Taygan said the board acknowledged 12 AAC 14.430 identifies those approved. Agenda item 20 On-Line BLS/CPR, the board wanted it clearly stated that they had noted this specific course did not meet the requirement and that all courses must meet the content equivalent.

ON A MOTION MADE BY TAYGAN, SECONDED BY SCHNEIDER, IT WAS RESOLVED TO APPROVE THE AUGUST 22-23, 2013 MINUTES WITH THE AMENDMENTS. ALL IN FAVOR, NO NAYS.

Agenda Item 3 Review/Approve Agenda

The agenda was amended and the board moved legislative goals SB 156/HB 322 report to agenda item 8 and moved the matrix for disciplinary action to agenda item 19.

ON A MOTION MADE BY SCHNEIDER, SECONDED BY SWANDER TO MOVE AGENDA ITEM 8 TO 19 AND AGENDA ITEM 19 TO 8. ALL IN FAVOR, NO NAYS.

Agenda Item 4 Ethics Reporting

Ms. Taygan had questions about the ability of board members to hold discussion between each other outside of a board meeting. They will ask more questions with Director Chambers. Staff explained ex-parte communication is any discussion between board members and licensees, apprentices or any person who has questions for the license process, disciplinary questions or any board business. A board member is obligated to report any discussion with anyone outside of a board meeting and then recuse themselves due to ex-parte communication during ethics or any board decision involving that person. All board members and staff stated they had no ethics violations to report. Ms. Swander stated she had watched the ethics video.

Ms. Corrick said she needed to discuss the status of the legislative sunset audit with the board. As it was not yet public record they would need to enter Executive Session per AS 44.62.310(c)(3) and (4) to discuss the progress on the legislative audit.

Staff read AS 44.62.310 Government Meetings Public (c)(3) and (4) matters which by law, municipal charter, or ordinance are required to be confidential; matters involving consideration of government records that by law are not subject to public disclosure.

ON A MOTION BY SCHNEIDER SECONDED BY TAYGAN TO ENTER EXECUTIVE SESSION. ALL IN FAVOR, NO NAYS.

Ms. Corrick stated all board members and staff would stay in the room and asked all public members to leave the room.

Off record 9:34 a.m. and back on Record at 9:47 a.m. in order to welcome Director Sara Chambers to the meeting. The Board re-entered executive session 9:48 a.m.

Out of Executive Session and back on record at 10:28 a.m. Break until 10:34 a.m.

Agenda Item 5 Budget Report

The Board tabled budget discussion Friday morning and discussion with Ms. Chambers.

Agenda Item 6 HB 65

During the 2013 Alaska legislative session language was inserted into House Bill 65 (the operating budget) that asks the Department to submit a report containing certain professional licensing programs financial information to the legislature. This annual report is complete and has been published on the division website under the link titled annual reports <http://commerce.alaska.gov/dnn/cbpl/Home.aspx> .

Agenda Item 7 Investigative Report

Alvin Kennedy reported on the board investigative activity. The board asked that Peer Review be first to determine if any violations had occurred.

As of April 23, 2014 the board had 3 open complaints, 9 open investigations, 1 closed complaint.

Break 11:15 a.m. back on record 11:22 a.m.

Agenda Item 8 SB 156/HB 311 Legislative Report

The board celebrated the passing of SB156/HB311 and hope that the bill will be signed by the governor.

Lunch Recess – off record at 12:17 p.m. back on record at 1:12 p.m.

Agenda Item 9 Ms. Corrick called the meeting to order. All board members and staff were present.

Agenda Item 10 Public Comment

Lena Kilic – in support of Ms. Schneider's suggestion that Peer Review be included in all Investigative cases.

Susan Terwilliger – thanked the Board for their work on Senate Bill 156

Agenda Item 11 HSS – Audit Report

Ms. Corrick addressed the letter to be Board from Health and Social Services. The Board discussed that although HSS waived some of the prior fee repayment, they were not pleased with the outcome stating no services beyond 7 days for a newborn and not billing for apprentices. The Board determined Midwives Association of Alaska should be

the one to address these issues not this Board. Ms. Corrick will send a follow up letter from the Board to commissioner Brodie. Staff to put on state letterhead and mail.

Agenda Item 12 Regulations and Future Regulations

Ms. Corrick asked Holly Steiner to come to the table to present her request for regulation change. Ms. Steiner and Ms. Schneider are the primary instructors of the GBS and IV therapy for midwives. Ms. Steiner stated a CDM should not be required to recertify on these skills and that teaching or taking the class is redundant for a CDM. It was noted that thirty percent of women test positive for GBS so a CDM should be getting the practice they need to keep these skills current. She said that other medical providers are not required to retake this course.

Ms. Corrick and Ms. Schneider discussed that repealing this renewal requirement would then allow a CDM who wanted to take a refresher class it would help them earn CE's towards their license renewal. Currently, the regulation does not allow a CDM to count these classes to meet CE renewal requirements.

The Board discussed they would keep the initial requirement for current certificates of education in both IV Therapy Group B and IV Therapy under 12 AAC 14.110, 12 AAC 14.120, 12 AAC 14.470. They seek to repeal under Certification Renewal Requirements for both 12 AAC 14.400 (B) IV Therapy Group B and 12 AAC 14.400 (C) IV Therapy.

This change is only to repeal the license renewal requirement under 12 AAC 14.400 b)(4)(B)(C) Certification Renewal Requirements to submit copies that are current at the time of certificate renewal verifying certification in both (B) IV Therapy Group B and (C) IV Therapy, 12 AAC 400 (b)(4)(B)(C) Repeal both (B) IV Therapy Group B and (C) IV Therapy

In anticipation of the statute change the board determined they would submit a draft regulation request. The board reviewed and revised a prior draft which Jun Maiquis, the regulations specialist had number 12 AAC 14.150 Scope of Practice: The board proposes the below regulations be submitted and would like to have them submitted for written public comment prior to the October 2-3, 2014 board meeting.

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

12 AAC 14.150. Scope of practice. (a) A certified direct-entry midwife may, with a physician, advanced nurse practitioner, or certified nurse midwife, who is licensed in this state, consult, care for, and with a physician's, advanced nurse practitioner, or certified nurse midwife approval, may deliver a woman who has or has a history of:

(1) a positive titer, epilepsy, heart abnormality, herpes in the first trimester or active herpes;

(2) psychiatric illness;

(3) a fetus with suspected or diagnosed congenital anomalies;

(4) a chronic maternal medical condition;

(5) is less than 16 years of age at the time of delivery.

(6) Well controlled GDM A1

(b) In consultation with a physician, ANP or CNM, a certified direct-entry midwife may provide co-management of prenatal and postpartum care and may assist a physician or CNM during the intrapartum period and delivery of a woman who:

(1) has a dichorionic diamniotic twin gestation;

(2) has a fetus of less than 37 weeks gestation;

- (3) has a fetus of more than 42 weeks gestation by dates and examination;
 - (4) has a fetus in any presentation other than cephalic at the onset of labor;
 - (5) a nulliparous woman in active labor with a ballotable presenting fetal part
 - (6) a woman in active labor who has ruptured membranes and ballotable presenting fetal part
 - (7) has experienced the rupture of membranes greater than 24 hours before active labor;
 - (8) has had a previous cesarean delivery or other uterine surgery.
- (c) A certified direct-entry midwife may not knowingly care for or deliver a woman who:
- (1) has a history of pulmonary embolism;
 - (2) has Type 1 diabetes or GDM A2
 - (3) has pre-existing or chronic hypertension;
 - (4) has Rh disease;
 - (5) has tuberculosis, active syphilis, or gonorrhea;
 - (6) has symptomatic heart or kidney disease;
 - (7) has current chronic substance abuse;
 - (8) has pre-eclampsia or eclampsia;
 - (9) has bleeding with evidence of placenta previa;
 - (10) has any condition determined by the board to be of high risk to the pregnant woman, fetus or newborn

Revision and background for 12 AAC 14.130(e): a single program preceptor is identified on the apprentice permit application. While the apprentice may gain valuable clinical experience with secondary preceptors the program preceptor retains the ultimate responsibility for overseeing the apprentices' clinical experience. The board will repeal requiring the apprentice report any 'additional preceptors' they would be involved with for births.

New wording for 12 AAC 14.130(e) An apprentice direct-entry midwife shall submit written notice to the department within 30 days after any ~~[ADDITION OR]~~ change to the relationship with an apprenticeship program preceptor.

The board does not consider birth observations to be 'practicing' midwifery and is revising the regulation to allow the observations to count prior to permit being issued.

New wording for 12 AAC 14.210 (b)(2) 10 labor and delivery observations that preceded any primary responsibility for labor and delivery **and may have been completed prior to the permit being issued:**

The board will repeal the license renewal requirement to submit current certificates for both (B) IV Therapy Group B and (C) IV Therapy from 12 AAC 14.400 Certification Renewal Requirements.

Repeal 12 AAC 14.400 (b)(4)(B) and (C)

12 AAC 14.400. CERTIFICATION RENEWAL REQUIREMENTS. (b) A certified direct-entry midwife applying for certificate renewal shall

- (4) submit copies that are current at the time of certificate renewal verifying certification in
 - (A) the Basic Life Support for Health Care Providers Program (BLS);

[(B) intravenous therapy treatment for Group B Streptococci, from the Midwives' Association of Alaska (MAA), or from a program approved by the Midwifery Education Accreditation Council (MEAC);

[(C) intravenous therapy, from the Midwives' Association of Alaska (MAA), or from a program approved by the Midwifery Education Accreditation Council (MEAC);] and

(D) the Neonatal Resuscitation Program (NRP) from the American Academy of Pediatrics, or neonatal resuscitation from the Midwives' Association of Alaska (MAA); and

ON A MOTION BY SCHNEIDER, SECONDED BY SWANDER. THE BOARD WILL CONSIDER THE REQUIRED PRACTICES 08.65.140 WHICH THE BOARD HAS FOLLOWED TO BE THE STANDARD WHICH ALL MIDWIVES WOULD BE HELD UNTIL THE NEW REGULATION FOR THE SCOPE OF PRACTICE IS ENACTED. ALL IN FAVOR, NO NAYS.

Staff will forward this regulation project to the regulation specialist in hope to have it ready for review and approval for public comment by the October 2014 board meeting.

Break 3:15 p.m. to 3:29 p.m.

Rebecca McKimmey shared about Nitrous Oxide. She will forward power point to staff to share with board members prior to the next board meeting.

Agenda Item 13 Recess Meeting 4:36 p.m.

Friday April 25, 2014

Agenda Item 14 - Ms. Corrick called the meeting to order at 9:05 a.m.

Deborah Schneider, Sarah Taygan, Jennifer Swander and Cheryl Corrick and staff
Director Sara Chambers and Connie Petz

The board deviated back to Budget agenda with Director Chambers and she explained the budget report. Ms. Schneider asked that apprentice permit fees be increased as the Board had requested in the past.

Ms. Chambers stated the department is looking at both apprentice permit fees and application fees. Discussion included what was the role of board members with investigations. The disciplinary matrix would be a tool that will be a big factor in the future of investigative time spent during investigations.

Ms. Chambers said that the mechanical administrators had gone over what other states use To identify 'substantially equivalent'. A tool was developed to identify the benchmarks that are used for their education and qualifications. The board may find that they can develop a similar checklist for the apprentice preceptors from other jurisdictions.

Ms. Chambers responded to questions as to how board members can converse on Board business outside of a board meeting. She explained the open meetings act is to be adhered to. The board should understand that any subcommittees are to be identified during the board meeting as well as the topic of discussion to be addressed by that committee. Board members are to discuss only that topic and not deviate to other board business. The open meetings act is to allow the public to be included and informed.

Ms. Swander asked Ms. Chambers if it was completely unlawful for a board member to solicit feedback from professionals within the industry on a matter the board is working on (outside of a board meeting). Ms. Chambers stated it needs to be done through a public process. If done publicly, then it gives everyone equal opportunity to have input. When board members are actively seeking input outside of that process it gives certain people an advantage to have more of an ear of a board member. As opposed to others who may not know that opportunity

exists. This is why there is a public comment period. Board members need to understand that when they converse about board business outside of an open meeting it is called exparte communication. When that happens, the board member must disclose the incident, cannot participate in the discussion or vote on an issue. Worst case, a board member needs to know they could be sued for their actions.

BREAK 10:27 a.m. and back on record 10:38 a.m.

Agenda Item 15 Renewal - Open Book Questions

The Board agreed the jurisprudence questions revised at the last meeting were correct and approved them for the January 1, 2015 to December 31, 2016 renewal application.

ON A MOTION MADE BY SCHNEIDER, SECONDED BY TAYGAN, IT WAS RESOLVED TO ACCEPT THE OPEN BOOK SELF STUDY PROGRAM AS CURRENTLY WRITTEN FOR THIS LICENSING PERIOD. ALL IN FAVOR, NO NAYS.

Agenda Item 16 Peer Review

One CDM had not submitted any birth information to peer review during the last reporting period. She holds a license in Alaska but had not participated in any births in the state of AK. The Board asked Peer review to explain how they can assure someone who does not report assists or primary births in the state of Alaska is demonstrating competencies in midwifery when they are not practicing in Alaska. Staff informed the board that the state which this midwife is practicing does not have peer review.

Peer review provided a letter with their protocols and their perspective on the Boards request, they (peer review) said they are to review charts for births that take place in Alaska. The committee agreed it is up to the board to decide whether a midwife who holds an AK license but is not practicing in AK may keep her license.

Ms. Corrick asked the board to hold this discussion in executive session concerning a licensee.

MS. CORRICK, CALLED FOR A MOTION TO ENTER EXECUTIVE SESSION IN ACCORDANCE WITH AS 44.62.310(C)(2) AND (3) AND THE ALASKA CONSTITUTIONAL RIGHT TO PRIVACY PROVISIONS, FOR THE PURPOSE OF DISCUSSION OF A LICENSEE.

ON A MOTION BY SCHNEIDER SECONDED BY TAYGAN TO ENTER EXECUTIVE SESSION. ALL IN FAVOR, NO NAYS.

Ms. Corrick stated all board members and staff, Connie Petz would stay and in the room and asked all public members to leave the room.

Enter executive session and off the record at 11:12 a.m.
Out of executive session and back on the record at 12:01p.m.

ON A MOTION BY TAYGAN, SECONDED BY SCHNEIDER, THE BOARD REQUESTS PEER REVIEW TO ACCEPT THE MAA SUMMARIES OF BIRTHS OUTSIDE OF THE STATE OF ALASKA. PEER REVIEW SHOULD RECOGNIZE THAT STANDARDS FOR BIRTHS THAT TAKE PLACE OUTSIDE OF ALASKA MAY DIFFER FROM ALASKAN STANDARDS. ALL IN FAVOR, NO NAYS.

The board will ask the peer review to review the licensee's births. Staff will send letters to both the licensee and peer review.

Staff brought to the boards attention that the Peer Review protocols item number 3 states; report to board any regulation breaks and disciplinary action if requested. Staff wanted it on the record that this wording does not appear to be correct. It should be sent directly to investigations and not include the Board members, otherwise the Board could not take any action on it. This is about confidentiality for the case.

The Board believes that it is understood that Peer Review would send any regulation breaks to the investigator. The outliers are not 'required' but peer review made this tool to give peer review a guideline to review charts.

Ms. Corrick wanted it on the record that a CDM did not need to be a member of MAA. That is not a statute or regulation and there is no requirement to belong to MAA, you must however as a licensee comply with Peer Review. Further discussion identified that you do need to be a member of MAA in order to be appointed to Peer Review.

LUNCH Recess 12:46 p.m. back on the record 1:31 p.m.

Ms. Corrick called the meeting to order, all board members and staff were present.

Agenda Item 17 CE Audits

The board reviewed the syllabus for the continuing education for licensee # 20.

ON A MOTION MADE BY TAYGAN, SECONDED BY SWANDER, IT WAS RESOLVED TO APPROVE THE CONTINUING EDUCATION AUDIT. ALL IN FAVOR, NO NAYS.

Staff will notify the licensee her CE's were approved and will forward the letter drafted by Ms. Schneider to MAA asking they provide fully complete certificates for continuing education.

Agenda Item 18 Correspondence

The board received a letter from Senator Fairclough asking for input regarding the AK statewide suicide prevention council. Sarah Taygan will draft a response letter to Senator Fairclough, forward to staff to put on state letterhead.

Maureen Sullivan asked the board to consider a regulation change for allowable blood loss. The board determined they did not see a need to make a regulation change. Staff will respond by email with the board's response to Ms. Sullivan.

The board crafted a letter for the investigative unit, staff will put on letter head and forward. Copy will be in the consent agenda for the next board meeting.

Agenda Item 20 Matrix for Disciplinary Action

Tabled to discuss at next board meeting.

Staff to provide for next meeting, paralegal CE fines matrix and bring a word document of statutes and regulations to be prepared to work on the matrix during the meeting.

BREAK 2:45 p.m. to 2:52 p.m.

Agenda Item 21 Board Positions

Ms. Schneider nominated new public board member Jennifer Swander as the new secretary.

ON A MOTION MADE BY SCHNEIDER, SECONDED BY TAYGAN, IT WAS RESOLVED TO APPOINT JENNIFER SWANDER AS THE NEW SECRETARY OF THE BOARD. ALL IN FAVOR, NO NAYS.

Agenda Item 22 FY14 Annual Report –

The board revised the annual report line by line to be submitted for FY14 by August.

Break 3:48 p.m. to 3:55 p.m.

Agenda Item 23 Old Business – Tasks

The board decided to form a committee of 2 board members, Ms. Schneider and Ms. Taygan to work outside of the board meeting to explore equivalency standards in other states to develop a checklist of which states meet the requirements of 12 AAC 14.210 (a)(2) to be a preceptor. If there is a state that is not on that list then the board will provide what is required to get on the list for a preceptor who would be substantially equivalent.

ON A MOTION MADE BY SCHNEIDER SECONDED BY TAYGAN TO FORM A COMMITTEE AND EXPLORE EQUIVALENCY STANDARDS IN OTHER STATES TO DEVELOP A CHECKLIST. ALL IN FAVOR, NO NAYS.

A second committee, Ms. Corrick and Ms. Schneider will write a letter to Health and Social Services, to Margaret Brodie regarding health care services and care beyond 7 days and billing issues regarding apprentices.

ON A MOTION MADE BY SCHNEIDER SECONDED BY SWANDER TO FORM A COMMITTEE TO WRITE A LETTER TO HSS MARGARET BRODIE IN REGARDS TO BABIES AND BILLING BEYOND SEVEN DAYS AND APPRENTICESHIP BILLING. THE COMMITTEE WOULD CONSIST OF CHERYL AND DEBORAH. ALL IN FAVOR, NO NAYS.

Agenda Item 24 Schedule Meetings

October 2-3, 2014 Anchorage
February 26-27, 2015 Anchorage

Tasks:

Ms. Corrick will send a follow up letter from the board to commissioner Brodie via staff.

Ms. Taygan will research which jurisdictions are substantially equivalent for acceptance of 'out of state' preceptors for apprentices.

Ms. Taygan will draft a response letter to Senator Fairclough, forward to staff to put on state letterhead.

The board will begin working towards a future regulation projects by discussing Nitrous Oxide, misoprostol and cervical ballon.

Ms. Taygan will find practice protocols on misoprostol and cervical ballon for the next board meeting.

Board wanted the first half day of the meeting, after the regular board business items to be the work session for the disciplinary matrix.

Staff: forward MAA letter for complete CE's and to include complete IV and Group B Therapy.

Agenda Item 25 Adjourn Meeting

Meeting adjourned and off the record at 4:47 P.M.

Respectfully Submitted:

Connie Petz

Connie Petz, Licensing Examiner

Cheryl Corrick

Cheryl Corrick, CDM Chair

10.3.14

Date