

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4

5 BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES
6

7 Teleconference
8 Draft Meeting Minutes
9

10 March 16, 2018
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12 By the authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6, a
13 scheduled teleconference meeting of the Board of Certified Direct-Entry Midwives was held March
14 16, 2018; 333 Willoughby Ave, 9th Floor Conference Room B Juneau, AK.
15

16 **Call to Order/Roll Call**

17 Chair Schneider called the meeting to order at 8:30 AM AKDT.

18 Members present: Deborah Schneider, Dianna Kristeller, Dr. Kathryn Ostrom; Dana Brown, Kenni
19 Linden

20 Staff Present: Deb Tempel

21 There were no ethics to disclose.

22 **Review Agenda/Review Minutes**

23 **A motion was made to approve the draft agenda by D. Brown, seconded by K. Ostrom, the**
24 **motion passed unanimously.**

25 **A motion was made to approve the draft minutes from September 29, 2017 by K. Ostrom,**
26 **seconded by D. Brown, the motion passed unanimously.**

27 **A motion was made to approve the draft minutes from November 14, 2017 by K. Ostrom,**
28 **seconded by D. Brown, the motion passed unanimously.**

29 **A motion was made to approve the draft minutes from January 3, 2018 by D. Kristeller,**
30 **seconded by K. Ostrom, the motion passed unanimously.**

31 **A motion was made to approve the draft minutes from January 22, 2018 by D. Kristeller,**
32 **seconded by D. Brown, the motion passed unanimously.**

33
34 **Accountability and Action Committee Report – Jessica Swander**

35 On February 2, 2018 the MID board requested that 8 charts that came to the attention of the board
36 during a review of an application be reviewed. Their findings were as follows:

37 *There were eight charts requested from four midwives. One of the charts had a CNM as the primary provider, and so*
38 *was not subject to review according to 12AAC 14.900(c)(2). The remaining seven charts were submitted in a timely*
39 *manner and each was reviewed by either four or five committee members.*
40

41 *The committee found all charts to be in compliance with Alaska State regulations and standard of practice. We found*
42 *no evidence of any intention by any midwife to act other than in accordance with regulations and best practice. We*
43 *found no evidence of any pattern of deficiency in care.*
44

45 The discussion included comments that the thought process of student is not clear because the
46 charting is the responsibility of the preceptor. That Pitocin has two different acceptable units of
47 measurement. D. Kristeller has concerns that CNM currently has not review process and will bring
48 this up at the next Board of Nursing meeting.

49 **A motion was made to amend the agenda and move the annual report to 9:00 AM by K.**
50 **Linden, seconded by K. Ostrom, the motion passed unanimously.**

51 **Annual Report**

52 D. Tempel will get Identification of the Board and Staff corrected. The board wants to know if a
53 face to face meeting is possible in 2018, the board was advised that they can submit a travel request
54 and see what happens.

55 The board asked when the approved curriculum is up, D. Tempel responded that the Midwife to Be
56 and Via Vita curriculum is approved through March 29, 2019. This is typically on the agenda for the
57 spring board meeting.

58 The board asked when the process of the sunset audit begins, D. Tempel responded 1 year prior.

59 **A motion was made to approve the Annual Report as presented by K. Ostrom, seconded by**
60 **D. Brown, the motion passed unanimously.**

61 15 minute break

62 **Investigation Report**

63 Investigator Brian Howes reported that they have no open cases or complaints and closed one case
64 and complaint. The board had questions regarding the closed case and B. Howes informed them he
65 could not discuss it in open session.

66 **At 9:35 AM a motion was made by D. Brown to move into Executive Session for the purpose**
67 **of discussing matters involving consideration of government records that by law are not**
68 **subject to public disclosure, seconded by D. Kristeller, the motion passed unanimously.**

69 The board ended executive session at 10:07.

70 **Division Update**

71 The division update was given by Melissa Dumas, Administrative Officer for CBPL. The board
72 asked why we have a higher deficit than in FY 17 and she said it was likely due to fewer applications.
73 She informed the board that a fee analysis would be done in June in order for the division to assess
74 if the fees are good as is for the 2018 renewal cycle. The board asked if they were going to go up and
75 she said that the division would determine that after the fee analysis. The board asked to see the
76 report as soon as it was ready.

77 **A motion was made to amend the agenda and move board business to 10:30 AM by K.**
78 **Ostrom, seconded by K. Linden, the motion passed unanimously.**

79 **Board Business**

80 The board wanted to go on record that they had requested that the Department of Law be available
81 at the meeting and that they were not available.

82 The board had a discussion and decided to draft a letter to the Department of Law to have some
83 questions answered.

- 84 1. Can the Board of Midwives make a regulation change so that applicants for the Certified
85 Direct Entry Midwife (CDM) would be required to first apply for an obtain a Certified
86 Professional Midwife credential through North American Registry of Midwives (NARM)?
87

88 The boards reasoning behind question 1 is that this would save the board time and money and
89 would align Alaska with the national standard. Once the applicant earned the CPM, they would then
90 apply for licensure in Alaska but the requirements other than the professional fitness questions
91 would have been met at the national level. Alaska would then license CPM. This process would also
92 improve our preceptor training.
93

94 The state would then be brought up to the National Standard and all that NARM requires for
95 applicants and preceptors. If this is possible it would save the board time and money and would
96 align with the national standard. Once the applicant earned the CPM, they would then apply for
97 licensure in Alaska but the requirements other than the professional fitness questions would have
98 been met at the national level. Alaska would then license CPM. This process would also improve our
99 preceptor training. This would keep us at the front of the profession and its trends. If this is not
100 possible can we change all our regulations to match NARM's?
101

- 102 2. Can our Peer Review Committee be tasked with performing Root Cause Analysis?
103 12AAC14.900
104

105 The board also discussed the need to have Midwifery Education and Accreditation Council (MEAC)
106 approved institution for its educational requirement. The board decided that this is best addressed in
107 the Regulations Project.

108 **A motion was made by K. Linden to nominate Diana Kristeller as secretary, seconded by K.**
109 **Ostrom, the motion passed unanimously.**

110

111 The board discussed that a few things can happen to better the process with investigations
112 and had the following recommendations and requests.

113

114 1. The board recommends that when an investigation is conducted and the Peer Review
115 Committee and the board member reviewing the case have conflicting reports that the
116 division would then seek a third party review of the issue.

117

118 2. The board expects when an investigation is completed and the division is sending its letter to
119 the midwife who's case it was the division investigator needs to contact the reviewing board
120 member to see if they have any recommendations to be included.

121

122 3. The board expects that the investigation unit would provide a full report back to the
123 reviewing board member when the investigation is closed.

124

125 **A motion was made to amend the agenda and move new business to 11:30 AM by K.**
126 **Ostrom, seconded by K. Linden, the motion passed unanimously.**

127 **New Business**

128 **Regulations Project**

129 The board discussed the actions and review needed for the project of bringing our regulations up to
130 the NARM standards. They decided to form a committee that would bring before board at the
131 September meeting all the discrepancies in our regulations and what needs to be changed to bring it
132 up to the NARM standard.

133 **A motion was made to form a Regulations Committee by K. Ostrom, seconded by D.**
134 **Kristeller, all the motion passed unanimously.** All members of the board are on the committee.
135 The committee will do some individual research and come up with a plan by April meeting.

136 The board took a break from 12:00 PM – 1:00 PM for lunch.

137 **At 1:10 a motion was made by D. Kristeller to move into Executive Session for the purpose**
138 **of discussing subjects that tend to the prejudice and reputation and character of any person,**
139 **seconded by D. Brown, the motion passed unanimously.**

140 The board ended executive session at 1:34 PM.

141 **Application Review**

142 The board had a discussion re: the application of Jessica Rockhill.

143 **A motion to accept the application of Jessica Rockhill with the stipulation that the**
144 **information in the applicant files will take precedence over the minutes of this meeting was**
145 **made by D. Brown, seconded by K. Ostrom, the motion passed unanimously.**

146 **A motion to accept the application of Rachel Pugh was made by D. Brown, seconded by K.**
147 **Ostrom, the motion did pass. The vote was: Schneider, Ostrom, Kristeller and Brown Yea;**
148 **Linden abstained due to not having enough time to review the application.**

149 D. Tempel needs to do some research to find out what can be done about the vote as it leaves the
150 applicant with no direction or recourse.

151 **Public Comment**

152 The group was reminded that the current regulations changes are not up for public comment, that
153 division is only accepting written comment. If they had any questions about this to please contact.
154 D. Tempel.

155 **Maddie Nolan Grimes**

156 Commended the board in taking action to move towards having MEAC required as the educational
157 standard and NARM as the application standard for midwives in Alaska. And thanked the board for
158 their hard work.

159 **Susan Terwilliger**

160 Commented that Potcin has two different measurements that are standard and o.k. to use. She was
161 upset that the board was taking so long to vote on application of Rachel Pugh, she did not know a
162 better candidate for being a midwife and his highly qualified and hopes that the board will revisit
163 their decision. She also reminded the board that CNM's have not peer review process and that
164 student charts are not 100% student charts that they are the responsibility of the preceptor.

165 **Portia Noble**

166 Spoke against the appointment of Kenni Linden.

167 **Theresa Bird**

168 Spoke against the appointment of Kenni Linden.

169 D. Tempel let all know at the meeting know that the board has no say in board appointments. The
170 board appointments are made by the Governor's office, Boards and Commissions office and the
171 confirmations are made by the Legislature.

172 **Pat Martin**

173 Spoke against state laws that allow midwives to perform abortions, and spoke against the
174 appointment of Kenni Linden.

175 **Lonniet Kurka**

176 Spoke out against abortion training being a part of the practice of midwives, and spoke against the
177 appointment of Kenni Linden.

178 **Kirsten Pearce**

179 Spoke against the appointment of Kenni Linden.

180 **Marylin Anderson**

181 Spoke against the appointment of Kenni Linden.

182 **Cheryl Corrick**

183 Commented that this is not the correct venue to discuss appointments to the board and that she did
184 not see any laws changing requiring midwives to perform abortions.

185 **Jeremy Pearce**

186 Spoke against the appointment of Kenni Linden.

187 **Chinmayo Furro**

188 Spoke in favor of Rachel Pugh becoming a midwife. She commented that by denying her license
189 would be keeping an excellent midwife from practicing in our state. She also commented that
190 charting it is not the responsibility of the student, it is the preceptors' responsibility.

191 **Susan Terwilliger**

192 Asked to speak again. She is the midwife to board member Kenni Linden and can't imagine anyone
193 else who would be a better asset to the board. She spoke in favor to the appointment of Kenni
194 Linden to the board.

195 **At 2:30 a motion was made by K. Ostrom to move into Executive Session for the purpose of**
196 **discussing subjects that tend to the prejudice and reputation and character of any person,**
197 **seconded by D. Brown, the motion passed unanimously.**

198 The board came out of executive session at 3:20 PM

199 **A motion was made to amend the agenda and to revisit Application Review by K. Ostrom,**
200 **seconded by K. Linden, the motion passed unanimously.**

201 **Application Review**

202 D. Tempel reported that the tie vote was not acceptable that we could give time to K. Linden to
203 review the application or we could revote. The board chose to revote.

204 A motion to accept the application of Rachel Pugh was made by D. Brown, seconded by K.
205 Ostrom, the motion passed. The vote was: Schneider, Kristeller and Brown Yea; Ostrom
206 Nay; Linden abstained due to not having enough time to review the application.

207 A motion was made to amend the agenda and to return to New Business by K. Ostrom,
208 seconded by K. Linden, the motion passed unanimously.

209 The board discussed what would be required to make MEAC the Alaska Standard for Education
210 and what sort of grandfather dates we need to have in place for current students. All expressed that
211 this would bring the standard of education to a higher level in our state.

212 Proposed language to run by the Regulations Specialist and Department of Law.

213 12AAC 14.200 (8)(F)(b)

214 Currently reads:

215 Remove or add to (b) not sure need to ask Regulations Specialist

216 (F) various sites, styles, and modes of practice within midwifery.

217 (b) Before March 3, 2007, to meet the requirements of (a) of this section, a course of study must
218 be approved by the board or accredited by the Midwifery Education Accreditation Counsel (MEAC).
219 On or after March 3, 2007 regarding a course of study to meet the requirements of (a) of this section,
220 the board

221 (1) will only approve a course of study, if the course of study was approved by the board before
222 March 3, 2007, or the course of study has been accredited or pre-approved for accreditation by MEAC;
223 and

224 (2) may withdraw approval made by the board before March 3, 2007, if the board determines

225 Proposed regulation language change:

226

227 **(b) As of September 15, 2018, the Board will only approve a course of study accredited by the**
228 **Midwifery Education Accreditation Counsel (MEAC), or an equivalent course of study as**
229 **approved by the Department of Education.**

230

231 They discussed that NARM holds the preceptor more accountable for the education of the student
232 and that their standards are higher. The Regulations FAQ worksheet is below:

233

What will this regulation do?

This will bring Alaska up to the national standard of Certified Direct Entry Midwife education.

What is the public need or purpose of this regulation?

To promote a regulation mechanism that protects the public by ensuring that a high level of of education is required, this will increase the quality of midwifery care in Alaska

What is the known or estimated cost of the new regulation to a private person, another state agency, or a municipality (see Step 3 of *Steps in the Regulation Process ...*)?

Private Person: students are required to take courses, the costs vary from institution to institution. No cost to State or city

What positive consequences may this regulation have on public or private people, businesses, or organizations?

None

What negative consequences may this regulation have on public or private people, businesses, or organizations?

n/a

If any negative consequences, please address the reasons why the public need for this change outweighs the negative impact.

List any additional questions or comments that may arise from the public during the comment period.

Include a response to the questions.

Current students will ask if the program they are presently enrolled in (should it not be MEAC approved) will meet the current requirements. Yes, we would grandfather in anyone currently enrolled in a program that has applied for their Apprenticeship license.

234

235 Proposed regulation language change:

236 12AAC 14.200 (8)(F)(b)

237 (b) As of September 15, 2018, the Board will only approve a course of study accredited by the

238 Midwifery Education Accreditation Counsel (MEAC), or an equivalent course of study as approved

239 by the Department of Education.

240 The above regulation change D. Tempel will discuss with the Regulations Specialist and it can be

241 formally presented to the April meeting.

242 The board set the next meeting to April 9th at 8:30 AM to review all public comments to the

243 regulations changes and finalize the change to 12AAC 14.200 (8)(F)(b). If the division is not able to

244 make that time frame then the board will meet on April 16th at 8:30 AM

245 The board will hold their fall meeting September 14th at 8:30 AM for an all-day meeting.

246 **A motion was made to adjourn by K. Ostrom; seconded by D. Kristeller; the motion passed**

247 **unanimously.**

248 The board adjourned at 4:15 PM

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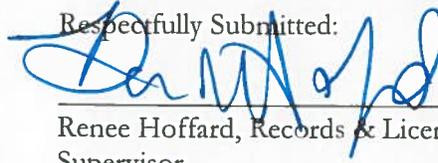
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Respectfully Submitted:



Renee Hoffard, Records & Licensing
Supervisor



Deborah Schneider, CDM Chair

2/5/2020

Date

FINAL