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

BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES

Teleconference
February 22, 2019

These DRAFT minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

By the authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6, a scheduled teleconference meeting of the Board of Certified Direct-Entry Midwives was held February 22, 2019; 333 Willoughby Ave, 9th Floor Conference Room B Juneau, AK.

Agenda Item 1 – Call to Order/Roll Call
Chair Schneider called the meeting to order at 8:31 AM AKDT.

Members present: Cathy Mosher, Dana Brown, Deborah Schneider, Dianna Kristeller, and Dr. Kathryn Ostrom


There were no ethics to disclose.

Agenda Item 2 – Review Agenda/Review Minutes
A motion was made to approve the draft agenda as written by D. Kristeller; seconded by D. Brown; the motion passed unanimously.

A motion was made to approve the draft minutes as written for the September 14, 2018 meeting by D. Brown; seconded by K. Ostrom; the motion passed unanimously.

The board briefly discussed the use of OnBoard and what would be needed to bring everyone up to speed on accessing the system. Licensing Examiner Lacey Bartlett will contact the appropriate parties to get all login information reset and work with board member on getting logged into the program.
New Board member Cathy Mosher was asked to introduce herself and give a little bit of background on her experience. Whereas she does not have experience with Midwifery, she does have experience serving on a previous medical board.

**Break at 8:47am**  
**On Record at 8:51am**  

Before moving on to the Annual Report, Chairwoman Schneider had some questions in regards to how board terms work and how long they are. It looked as if some of the board members were given 4 year terms, some less, and 1 had more. How is the new administration defining a term? Some clarification was given of basics: a board member can serve 2 terms before “terming out” or a total of 8 years. How administrations change board members is their digression when filling a vacant position.

**Agenda Item 3 – Annual Report**

The board reviewed the 2018 Annual Report. It was agreed the board has worked very hard to work itself out of deficit. The board goals are to potentially have a face to face meeting in 2020 when the board budget is in the positive. It was also request for Licensing Examiner Bartlett to provide a list of proposed regulations changes the board was interested in pursuing. This will assist the board in providing any recommendations for additional items.

The board discussed the 2018 goals and objectives and how they were met. Chairwoman Schneider questioned the board about additional goals and objectives the board would is seeking on the 2019 report. A couple items were bought up regarding the ability to check other states for potential actions taken against licensees and to remove Objective #3.

It was determined the board has done well to meet the Sunset Audit Recommendations. However it did spark comment that the board wants to be involved with the fee setting processes. Chairwoman Schneider is going to propose a letter to the Division Director formulating this request in writing. It was also discussed where the 10 births audit form was required when a midwife is audited. Supervisor Hoffard assisted the board in locating the regulation and clarified how long it’s been in action.

Licensing Examiner Bartlett will prepare the 2019 Annual Report form for the board to work on and complete for the deadline of June 1, 2019. She will also get a working document put into OnBoard for the board to access collectively.
Break at 9:38am
On Record at 9:44am

**Agenda Item 4 – Public Comment**

There was no one present in the room or on the phone to provide public comment.

**Public Comment Closed at 9:51am.**

*Administrative Officer Melissa Dumas & Accountant Marylene Wales entered.*

**Agenda Item 5 – Division Update**

Accountant Wales and Administrative Officer congratulated the board on their “slow crawl” out of deficit. The board it doing very well controlling expenses and are moving out of deficit. Hopefully will be in the positive by 2020 at the earliest.

The board requested from Ms. Wales and Ms. Dumas to be included in the next fee analysis. The question was raised in why the fees weren’t raised and it was decided by the division the increase could come with negative impact. Losing 4 licensees would offset any income that would come from a fee increase. It was agreed there would be an off year Fee Analysis done this year for the board. That way they can get a good idea going into the next renewal where things stand.

**Agenda Item 6 – Jurisprudence Exam**

The purpose of the Jurisprudence Exam is to make midwives aware and familiar with the statues and regulations of the Midwifery Program. It was felt by some of the board the exam would need a full rewrite to become current with the changes in regulations that have been made. Other members stated only a few of the questions would need to be rewritten. The overall goal would be bringing the exam current as it’s been a very long time since it was ever updated.

After some discussion about rewriting vs. not rewriting, what is the intent of the exam, and is the exam fulfilling its intent/usefulness to the board, it was agreed there is a high interest in removing the exam from practice. In clarification, it would be a regulations change to have the Jurisprudence Exam. Because regulations changes have high costs to them, it was recommend to address removing the language in 2020 when the board is out of deficit. Additionally it was
proposed to send out a letter to midwives asking for their feedback on the usefulness of the exam tool. How do they feel would be the best way to ensure the understanding of regulations and to be up to date with regulation changes? License Examiner Bartlett will contact President Madi Grimes of the Midwives Association of Alaska (MAA) to assist in proposing this question to the licensees.

**Agenda Item 7 – New Business**

Questions have come up regarding a new license application from a former midwife whose license has been lapsed over 5 years. The questions raised were how do they go about reapplying for licensure? Do they start from the beginning like a student fresh out of school or is there a process? The biggest question was surrounding continuing education or how the individual is to keep their knowledge current to reapply for licensure.

It was determined the board members are going to do some individual research and provide that information to the licensing examiner. The licensing examiner will also contact MAA and inquire as to how other states may handle the situation. All the research will be compiled and presented at the next board meeting. Because it is not written in the regulations how reentry to practice is done, it will be another item included in the regulations project to add the information.

Chairwoman Schneider will also propose a letter to Director Sarah Chambers requesting to be more involved with the fee analysis and setting fees for future renewals. The board agreed they want to be more involved with fees and have adequate input as to why or why not, fees should be increased. Nine months prior to renewal is when the fee analysis begins and the letter needs to be submitted to Director Chambers.

**Lunch Break at 11:44am**

**Back on Record at 1:00pm**

A motion was made to amend the agenda and move Investigations to 1:15pm by K. Ostrom; seconded by D. Brown; the motion passed unanimously.

**Agenda Item 9 – Board Business**

The board will meet on October 10th, 2019 for the next all-day teleconference.

*Greg Francois, Chief Investigator & Sonia Lipker, Senior Investigator joined at 1:15pm*
Agenda Item 8 – Investigations Report

The board questioned how Investigations will be affected now the Governor has moved all investigators to the department of law. At this time, there is not much information to go on. The task force involved with implementing the move will hopefully have more information soon which can be presented to the board at that time. Investigator Lipker stated there have been no opened cases and no closed cases from September 1, 2018 – January 31, 2019. There are no current investigations or cases in litigation. Chairwoman Schneider questioned the investigators as to why there are still 2 open cases and why 1 is over a year old. What would be the problem? Why is it taking so long?

Investigator Lipker stated medical cases can take increased time. It takes a time to request and receive medical records. Investigations is also at the mercy of the establishment they’re requesting documents from on how long things take. Investigator Francois added that an open case is only an allegation. If the information received is of immediate public safety concern, the information is brought to the board and acted upon immediately. It was reminded the burden of proof lies with the State and allegations must be factually verified. He also advised the board the reason the board is not involved in every complaint is they must remain objective. The board also asked if investigators have medical training and the answer was no, they’re not medically trained. But they do receive training in regards to the medical process to provide the most accurate investigations possible. It was stated and reiterated though that Investigators cannot comment on active investigations.

After an in-depth explanation of the investigations process, board members posed the question regarding closed cases. If they’re not pleased with the outcome of closing a case, is there an additional route of recourse. The board would need to contact the Chief Investigator and he would work to get the individuals together to discuss how the decision was made. If from that there is findings of additional or missed violations, it could potentially reopen the case.

I, Dana Brown, move that the Alaska State Board of Direct–Entry Midwives enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing matters which by law, municipal charter, or ordinance are required to be confidential. Seconded by D. Kristeller, the motion passed unanimously.

Executive Session begin 1:55pm
End Executive Session at 2:11pm

A motion was made to adjourn by D. Brown; seconded by Dr. K. Ostrom; the motion passed
unanimously.

Meeting Adjourned at 2:21pm.

Respectfully Submitted:

____________________________________  
Lacey Bartlett, Licensing Examiner

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Deborah Schneider, CDM Chair

Date