

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 February 22, 2019
9

10 By the authority of AS 08.065.020 and in compliance with the provision of AS 44.62, Article 6, a
11 scheduled teleconference meeting of the Board of Certified Direct-Entry Midwives was held
12 February 22, 2019; 333 Willoughby Ave, 9th Floor Conference Room B Juneau, AK.
13

14 **Agenda Item 1 – Call to Order/Roll Call**
15

16 Chair Schneider called the meeting to order at 8:31 AM AKDT.

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

19 Staff Present: Renee Hoffard - Records & Licensing Supervisor, Joe Bonnell - Records & Licensing
20 Supervisor, Lacey Bartlett - Licensing Examiner, Allen Alcancia - Licensing Examiner, and
21 Rebecca Powers - Licensing Examiner.

22 There were no ethics to disclose.

23 **Agenda Item 2 – Review Agenda/Review Minutes**

24 **A motion was made to approve the draft agenda as written by D. Kristeller; seconded by D.
25 Brown; the motion passed unanimously.**
26

27 **A motion was made to approve the draft minutes as written for the September 14, 2018
28 meeting by D. Brown; seconded by K. Ostrom; the motion passed unanimously.**
29

30 The board briefly discussed the use of OnBoard and what would be needed to bring everyone
31 up to speed on accessing the system. Licensing Examiner Lacey Bartlett will contact the
32 appropriate parties to get all login information reset and work with board member on getting
33 logged into the program.
34

35 New Board member Cathy Mosher was asked to introduce herself and give a little bit of
36 background on her experience. Whereas she does not have experience with Midwifery, she
37 does have experience serving on a previous medical board.

38

39 **Break at 8:47am**

40 **On Record at 8:51am**

41

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

48

49 **Agenda Item 3 – Annual Report**

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

56

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

61

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

68

69 Licensing Examiner Bartlett will prepare the 2019 Annual Report form for the board to work on
70 and complete for the deadline of June 1, 2019. She will also get a working document put into
71 OnBoard for the board to access collectively.

72

73 **Break at 9:38am**

74 **On Record at 9:44am**

75

76 **Agenda Item 4 – Public Comment**

77

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

79

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

81

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

83

84 **Agenda Item 5 – Division Update**

85

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

89

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

96

97 **Agenda Item 6 – Jurisprudence Exam**

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

105

106 After some discussion about rewriting vs. not rewriting, what is the intent of the exam, and is
107 the exam fulfilling its intent/usefulness to the board, it was agreed there is a high interest in
108 removing the exam from practice. In clarification, it would be a regulation change to have the
109 Jurisprudence Exam removed. Because regulations changes have high costs to them, it was
110 recommended to address removing the language in 2020 when the board is out of deficit.
111 Additionally, it was proposed to send out a letter to midwives asking for their feedback on the
112 usefulness of the exam tool. How do they feel would be the best way to ensure the
113 understanding of regulations and to be up to date with regulation changes? License Examiner

114 Bartlett will contact President Madi Grimes of the Midwives Association of Alaska (MAA) to
115 assist in proposing this question to the licensees.

116

117 **Agenda Item 7 – New Business**

118

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

124

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

131

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

137

138 **Lunch Break at 11:44am**

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

140

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

143

144 **Agenda Item 9 – Board Business**

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

147 *Greg Francois, Chief Investigator & Sonia Lipker, Senior Investigator joined at 1:15pm*

148

149 **Agenda Item 8 – Investigations Report**

150

151 The board questioned how Investigations will be affected now the Governor has moved all

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

159
160 Investigator Lipker stated medical cases can take increased time. It takes time to request and
161 receive medical records. Investigations are also at the mercy of the establishment they're
162 requesting documents from on how long things take. Investigator Francois added that an open
163 case is only an allegation. If the information received is of immediate public safety concern, the
164 information is brought to the Board and acted upon immediately. It was reminded the burden
165 of proof lies with the State and allegations must be factually verified. He also advised the Board
166 the reason the Board is not involved in every complaint is they must remain objective. The
167 Board also asked if investigators have medical training and the answer was no, they're not
168 medically trained. But they do receive training in regard to the medical process to provide the
169 most accurate investigations possible. It was stated and reiterated though that Investigators
170 cannot comment on active investigations.

171
172 After an in-depth explanation of the investigations process, board members posed the question
173 regarding closed cases. If they're not pleased with the outcome of closing a case, is there an
174 additional route of recourse? The Board would need to contact the Chief Investigator and he
175 would work to get the individuals together to discuss how the decision was made. If from that
176 there is findings of additional or missed violations, it could potentially reopen the case.

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

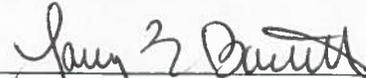
182
183 **Executive Session begin 1:55pm**
184 **End Executive Session at 2:11pm**

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

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189 **Meeting Adjourned at 2:21pm.**

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Respectfully Submitted:



Lacey Bartlett, Licensing Examiner



Deborah Schneider, CDM Chair

2/5/2020

Date

FINAL