

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES**

MINUTES OF MEETING

AUGUST 25-26, 2005

Draft

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 authority of AS 08.65.020 and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Certified Direct-Entry Midwives was held on August 25-26, 2005 in Suite 1270 of the Atwood Building located at 550 West 7th Avenue, Anchorage, Alaska.

Thursday, August 25, 2005

Agenda Item 1

Call to Order/Roll Call

The meeting was called to order by Dana Brown, CDM, Chair at 9:05 a.m.

Present, constituting a quorum of the board , were:

Mark Richey, MD
Dana Brown, CDM, Chair
Mila Cosgrove, Public Member
Barbara Norton, CNM
Holly Steiner, CDM

Staff Present was:

Steve Snyder, Licensing Examiner

Public Present were:

Verna Isham, applicant
Jessica Sawyer, applicant

Agenda Item 2

Public Comment

There was no public comment.

Agenda Item 3

Review/Amend Agenda

- Agenda Item 9 was moved to be done right after Item 6.
- The start time for the second day was changed to 9:00 a.m.

On a motion by Cosgrove seconded by Richey and carried unanimously it was

RESOLVED to approve the agenda as amended.

Agenda Item 4

Minutes

A typo was corrected on page 2, Faulkner was changed to Linden.

On a motion by Cosgrove, seconded by Richey and carried unanimously it was

RESOLVED to approve the minutes of the meeting held March 3-4, 2005 as amended.

Regulations

The board reviewed the public noticed regulation project.

No public comment was received on these proposed changes.

Changes to the draft were made as follows:

1. 12 AAC 14.200(b) “Pre-approved or” was added in the second sentence between the words “be” and “accredited.”
2. The Board also added at the end of 12 AAC 14.200(b): “The Board maintains the discretion to approve academic courses of study on a case by case basis when the status of a previously MEAC approved program changes during the applicants course of study.”
3. Under 12 AAC 14.210(f) on the last sentence the board added “Pre-approved or” between the words “midwifery” and “accredited”

Changes 1 and 3 were made because MEAC gives a pre-approval status to a school who is beginning the accreditation process. This is similar to a national accreditation body giving “pre-accreditation” to a college or university.

Change 2 was added to allow the board to accept an applicants course of study at their discretion of an applicants MEAC accredited school loses their accreditation before the applicant graduated.

The board discovered that regulation 12 AAC 14.400(b)(4) should have been re-worded along with the changes to 12 AAC 14.110(b)(5) and 12 AAC 14.120(b)(4).

Regulation 12 AAC 14.400(b)(4) sets out requirements for license renewal and was worded exactly the same as 12 AAC 14.110(b)(5) and 120(b)(4) before this amendment.

On a motion by Cosgrove seconded by Richey and carried unanimously it was

RESOLVED to approve changes to 12 AAC 14.400(b)(4) to reflect the same language as 12 AAC 14.110(b)(5). This would be added to a new project and was approved for public notice.

The board considered the cost to the public and determined that passage of these regulation changes would not impact the public.

On a motion by Cosgrove seconded by Richey and carried unanimously it was

RESOLVED to adopt the 4 page project as amended in the discussion.

The board expressed concern that when regulation changes are proposed someone should review all of the regulations to determine if additional regulations need housekeeping due to a proposed change.

Ms. Cosgrove suggested that if regulation changes are typed in MS Word and then transferred to PDF format that a word search could be done. A search of the words “neonatal resuscitation” would point out other places that should also have been amended.

The licensing examiner agreed to discuss this with supervisory staff to see if this could be done in future projects.

Draft

10:40 a.m.

Recess

10:55 a.m.

Reconvene

It was determined that 12 AAC 14.300(c)(3) also needed the same housekeeping amendment regarding BLS and neonatal resuscitation needing to be separated. The licensing examiner agreed to add this to the list.

Agenda Item 6

Applications for Certification

Before review the board discussed revising the applications by minimizing the Course of Study Certification Form for board approved courses. They also stated they would like the forms on the web to be interactive so they could be completed on the computer.

The board reviewed the two applications, both applicants had taken the NARM examination and were waiting for results. After review and on a motion by Richey seconded by Norton and carried unanimously it was

RESOLVED to approve the application of Verna Isham for certification subject to completion of the law questionnaire and passage of the NARM examination.

On a motion by Richey seconded by Norton and carried unanimously it was

RESOLVED to approve the application of Jessica Sawyer subject to completion of the law questionnaire and passage of the NARM examination.

The board determined that in the future the licensing examiner could send the applicants their law questionnaires upon approval for examination.

11:40 a.m.

Lunch Recess

1:00 p.m.

Reconvene

Agenda Item 9

HOWS Academic Program Review

Kristine Olson, CDM, joined the meeting as an observer at 1:10 p.m.

The board reviewed a detailed description of the Hands On Work Shops (HOWS) Course of Study which had been submitted in order to be approved by the board under regulation 12 AAC 14.200(b).

The board had previously determined that they would discontinue approving programs of study in 2007. Those programs that had been approved by that date will remain on a list of approved programs but would be reviewed biennially for compliance with regulations.

Mila Cosgrove submitted a draft list of questions to be posed to each program as a part of the review. The board reviewed and revised the list. New requirements will be for each program sponsor to complete the "Course of Study Certification" form indicating how the course follows regulation 12 AAC 14.200(a) and to answer questions about how their course remains current with advances in the Certified Direct-Entry Midwives field. The board will also require the sponsor to demonstrate how they assess a student's progress.

The consensus was that the licensing examiner would write a letter to each of the board approved programs, including the HOWS program, stating the amendment of the regulation for biennial review of programs. The letter will indicate the boards intent to re-evaluate all programs on the boards list and require updated information as discussed. This should all be received by February 1, 2007 for review at the February 2007 meeting.

The board determined that they needed to change the dates on regulation 12 AAC 14.200(b) from January 1, 2007 to March 1, 2007 so that the last board review could be done at their February 2007 meeting.

On a motion by Cosgrove seconded by Norton and carried unanimously it was

RESOLVED to reconsider, amend the three mentions of January 1, 2007 to March 1, 2007 in regulation 12 AAC 14.200(b) and readopt regulation 12 AAC 14.200(b) as amended.

Agenda Item 7

Peer Review

The board reviewed the report of the peer review committee for the April 1, 2004 through March 30, 2005 review period. It was noted that all licensees had met the peer review requirement.

On a motion by Richey seconded by Steiner and carried unanimously it was

RESOLVED to accept the Peer Review Report.

During review of Peer Review regulations it was noted that there may be a problem with 12 AAC 14.900(c)(3)(D). Which appeared to imply that all records must be turned over to peer review for a client whose care was transferred due to having had any complications listed in AS 08.65.140(d)(1-17). After discussion it was determined 12 AAC .900(c)(3)(D) applied ONLY in a case where the midwife did not transfer, but delivered the baby pursuant to AS 08.65.140(e) which states that a CDM may deliver for a woman with any of the complications listed in (d)(1-17) if there is a verifiable emergency AND there is no physician or certified nurse midwife in the geographic vicinity.

The board requested that Regulation 14.900(c)(3) be re-written to clarify that (D) refers only to (after) delivery and not (after) transfer of care.

Agenda Item 8

Annual Report

Mila Cosgrove submitted the draft annual report for review.

On a motion by Richey seconded by Steiner and carried unanimously it was

RESOLVED to approve the Annual Report as submitted.

4:10 p.m.

Recess

Friday, August 26, 2005

Draft

9:00 a.m.

Reconvene

All members present except Mark Richey.

Kristine Olson was present.

Agenda Item 10

NARM Exam Report

The board thanked Holly Steiner for proctoring the examination. Ms. Steiner reported that the examination had gone smoothly. She also agreed to administer the exam in Anchorage in the future when necessary.

Agenda Item 11

Budget Report

The board reviewed the expenditures report and explained to the new member how investigative costs are paid through licensing fees.

Ms. Cosgrove suggested a letter be written to new licensees providing information on licensing investigations, Statute booklets, Peer Review and basically informing them what is expected and required of them and the impact of failing to comply with these requirements.

The Board discussed unlicensed practice. The Board posed the following question: Why are Certified Direct Entry Midwives responsible to pay for investigations regarding the delivering of babies by unlicensed people when the person is also an unlicensed M.D. or unlicensed Nurse Midwife? Obstetricians and Nurse Midwives also deliver babies. Isn't the person delivering babies practicing medicine without a license? Holly Steiner and Dana Brown agreed to work with the Midwives Association of Alaska in writing a letter to the Department of Law in regards to this issue.

Agenda Item 12

Investigative Report

Maggie McQuaid, Investigator joined the meeting at 10:00 a.m. Ms. McQuaid reported that there were no open cases and no case closings since the last meeting.

Ms. McQuaid left the meeting at 10:05 a.m.

Agenda Item 13

Administrative Hearings

The Board reviewed a letter written by the Office of Administrative Hearings (OAH). The letter explained the new structure of the OAH could affect Administrative Hearings on the Board's behalf.

No action was taken.

Agenda Item 14

Ethics Reporting

All members reported that there had been no ethics violations or potential violations.

The Licensing Examiner agreed to send an ethics guide booklet to the newest member Barbara Norton.

Agenda Item 15

Sign Certificates/Schedule Meetings

The wall certificates were signed and meetings were scheduled as follows:

February 23-24, 2006 – 1 ½ day meeting in Juneau based on agenda

August 24-25, 2006 – Anchorage

Agenda Item 17

Agenda Items for February 06 meeting

The board asked that “Pharmacology” and “How licensed CDM’s can obtain the medications they’re authorized to use” be on the next meeting agenda.

Part of the problem was that pharmacies require prescriptions and Midwives cannot write prescriptions. The board asked the licensing examiner to go up to the Division office to obtain a few copies of the Pharmacy Board Statutes and Regulations.

10:25 a.m.

Recess

10:40 a.m.

Reconvene

The board reviewed the pharmacy law booklets.

Kaye Kanne CDM joined the meeting at 10:45 a.m.

A suggestion was made that the licenses specify in writing about CDM’s authority to use pharmaceutical agents in their practice.

A suggestion was made to write a regulation allowing Midwives to write a “prescription drug order” to buy the drugs they are authorized to use in their practice.

Dana Brown agreed to contact the Pharmacy Board Chair and ask for a recommendation. This would be on the next agenda.

Peer Review and the process was discussed and slated to be on the next agenda. The Board had concerns that the system is not working. Items are given to the investigators as a result of a peer review and never seem to make it to the board. The Peer Review Committee wants to work with the board and feels that the board should get the information they pass on. The board wants to be more involved in the process.

The board asked that this discussion include the board, the peer review committee, the investigator, and supervisory staff.

Also for the next meeting the board would like an answer as to whether or not staff can do a search in regulations so that when one change is made the computer could bring up other regulations that had the same particular phrase in them so the reader would determine if more changes should be made.

It was determined that the following items would be on the next agenda:

- Word Search
- List of proposed regulation changes
- Pharmacology/Purchase of medications
- Academic Programs List
- Peer review
- MAA Letter re: Sharing of investigative Charges

Draft

The board having no more business to discuss adjourned the meeting at 12:36 p.m.

Respectfully Submitted:

Steven B. Snyder, Licensing Examiner

Approved:

Dana Brown, CDM, Chair

Date