

MID board meeting August 19-20, 2010 Minutes

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 19-20, 2010

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 August 19-20, 2010 in the Atwood Building, 550 West 7th Ave Suite 1270 Anchorage, AK

August 19, 2010

Agenda Item 1 Call to Order

Meeting was called to order by Holly Steiner, CDM, Chair at 9:00 a.m.

Present, constituting a quorum of the board were:

Holly Steiner, CDM, Chair, Wasilla
Cheryl Corrick, CDM, Secretary, Fairbanks
Peggy Downing, MD, Wasilla
Barbara Norton, ANP, CNM, Anchorage

Approved Absence: Mary 'Jennie' Grimwood, Public Member, Cordova

Staff present: Connie Petz, Licensing Examiner

Agenda Item 2 Review / Agenda

Agenda was approved as written.

On a motion made by Dr. Downing, seconded by Barbara Norton it was RESOLVED TO APPROVE THE AGENDA. All in favor, carried unanimously.

**Agenda Item 3 Review / Approve Minutes
Feb 25-26, 2010**

February 25-26, 2010 minutes were in order except to include in the minutes a written record that Barbara Norton declined any reimbursement for attendance to the February 25-26, 2010 board meeting.

On a motion made by Dr. Downing, seconded by Cheryl Corrick it was RESOLVED TO APPROVE the February 4-5, 2010 MINUTES as amended. All in favor, carried unanimously.

No discussion.

Agenda Item 4 Ethics Reporting

There were no ethics violations to report by the board or staff.

Board deviated to **Agenda item 6 - Annual Report** as they were ahead of schedule.

Dr. Downing was advised to contact Boards and Commissions by October if she wants to be reappointed to the board.

Staff explained all boards are being asked to reduce travel costs by 10 percent. Barbara Norton suggested the board could meet in Anchorage for the February 2011 board meeting instead of Juneau as they do not have any legislation to present.

On a motion by Barbara Norton, seconded by Dr. Downing, it was RESOLVED to accept the ANNUAL REPORT as written. All in favor, carried unanimously.

Board continued with **Agenda item 7 – Budget Report**

Staff explained current budget reflects a deficit for this coming renewal and this requires a fee increase. The increases will include application fees, permit and licensee fees. Application fees for CDM from \$100.00 to \$250.00 and apprentice from \$50.00 to \$125.00. CDM license fee from \$500.00 to \$1250.00 and Apprentice from 50.00 to \$125.00.

Anyone who is licensed less than 12 months before the December 31, 2010 renewal will pay one half of the renewal fee. If they are licensed after October 1, 2010, they do not renew their license until December 31, 2012.

On a motion by Barbara Norton, seconded by Dr. Downing, it was RESOLVED to accept the Budget as written. All in favor, carried unanimously.

Agenda Item 5 Investigative Report

Investigator Jo Anna Williamson attended the meeting. One open case and 2 closed.

3400-08-001 Violating Professional Ethics is an ongoing case and should be closed by the next board meeting. This case is being handled by Susan Winton.

Jo Anna advised the board that a prior consent agreement has not yet been completed and Jo Anna has notified the party. If they do not comply with the agreement they are in jeopardy of being found in non-compliance. The board chair will be contacted by the investigator if the party does not respond.

On a motion by Barbara Norton, seconded by Dr. Downing, it was RESOLVED to accept the investigative report. All in favor, carried unanimously.

There was a quorum, Cheryl Corrick did not vote as she had stepped out of the room.

Agenda Item 6 and Agenda Item 7 had been completed prior to Agenda item 5.

Agenda Item 8 Old Business – Tasks

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- Board has asked staff to find out if the board could prescribe requirements without changing statute to add regulations. Staff explained that any regulations must have statutory authority before it would even pass department of law.

Holly and staff have had extensive discussion on the requirements for out of state preceptors in interpretation for 08.65.090(b)(2) a certified direct-entry midwife who has been licensed for at least two years in a state with licensing requirements at least equivalent in scope, quality, and difficulty to those of this state at the time of licensing, who is certified in this state, and who has practiced midwifery for the last two years;

Staff thinks this says any apprentice preceptor licensed in another state would also need to hold an Alaska license to meet the Alaska state law requirement certified in this state.

The board questions if there is an error in how this statute is written and thinks there is a mistake and that the words "in this state" were left in the statute in error. They did not think it would be reasonable to require someone who does not practice in this state (Alaska) to hold a CDM license in Alaska.

The board also thinks the statute is backed by regulation 12 AAC 14.210(a)(2) which the board interprets to mean holding a license in another state or country.

12 AAC 14.210 (a) (2) is a midwife who has been licensed in another state or country and practicing midwifery for at least the two years immediately preceding the date that the supervision began, and as determined by the board, the state or country in which the midwife has been licensed had licensing requirements substantially equivalent in scope, quality, and difficulty to those of this state at the time of licensure

The board would also like to know if our state can accept apprentices who began their program in other states and have a preceptor in another state, can they come to Alaska and finish out their apprentice program in our state.

Staff explained these questions will be presented to her supervisor before we would request clarification from department of law. Holly said that once we have an understanding and if we do have to make a statute change then we need to add this item to our list of legislative changes.

- TASK: Staff to ask department of law if 12 AAC 14.210(a)(2) clarifies that the board can accept preceptors from other states. Can a regulation clarify statute or does the statute need to be changed? Staff to send the answer via e-mail to the board.

Staff was to put a bullet point on the apprentice application regarding the birth observes, this had not been done but it was on the record in prior board minutes. Put on apprentice application - NOTE: Birth observations made prior to this date MAY qualify toward licensure requirements provided the observations were clinically supervised according the preceptor provisions of 12 AAC 14.210(a).

TASK: add a bullet point on the apprentice application regarding the birth observes

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- Staff was tasked to find out if an apprentice permit lapsed; can we charge the full application fee or some type of "re-application" fee to encourage them to keep it current.

No, we cannot charge a 'fee' for lapsed license only the license fee.

- Staff was tasked to see if the board could require a state law exam.

Statute 08.65.060 allows the board to write a regulation that requires an exam. It must be consistent, meaning for both an applicant by Exam or by Credentials. After discussion, the board determined it does not want to pursue drafting a regulation requiring a state law exam at this time. The board recognized completion of a state law questionnaire is a requirement for all licensees at each renewal. The apprentice course of study requires the apprentice study the laws governing the practice of midwifery in our state.

Agenda Item 9 Regulation Projects

At the February 2010 board meeting, the board drafted a regulation project. This project was public noticed for written comment. The board read and took written comment into consideration. The draft regulations were amended, the board stated there would be no cost to the public. Board asked staff to find out from the regulations specialist if they would be required to re-public notice again for the amended regulations.

This agenda item was to be tabled to later in the board meeting waiting response from regulations specialist.

Break – Off record at 10:50 a.m. and back on record at 10:55 a.m.

Board deviated to Agenda item 12 Applications

Application for Jennifer Germain was reviewed by the board. The board determined she needed to have additional documentation before they could proceed.

Off record for LUNCH at 11:30 a.m. Back on record at 12:43 p.m.

Agenda Item 10 Public Comment

No public comment received.

Agenda Item 11 Practical Skills list

Staff noted the current packet mailed to an apprentice permit holder included a "preceptor verification of practical skills list for Alaska CDMs" [copyright 2002 NARM]. This form had a place for the applicant to provide their social security number. In trying to get all forms to meet a 07/01/09 Alaska law to reduce the burden on state agencies to protect and properly dispose of records that contain social security numbers she contacted NARM to ask them if they would revise their form and remove the line with the social security number.

Ida Darragh of NARM explained this was not actually their form. Ida said the original skills list was developed with a lot of input from Alaska midwives Sharon

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Evans and Pam Weaver, both of whom were on the NARM board. They wanted to adapt that documentation form for use in Alaska, and NARM agreed to allow it as long as credit was given that it was a NARM form.

In the process of discussing the form (page 46) with Ida, staff learned NARM had updated their skills list in 2008 and they had not contacted our state when they did the project. Staff was then concerned that perhaps our apprentices were not studying the complete material needed for the NARM exam.

Holly asked Sharon Evans, to compare the current NARM skills list with the current Alaska skills list. Ms. Evans reviewed the current NARM skills and explained to the board she found no significant changes. In her opinion Alaska exam applicants would be able to take and pass the NARM exam.

TASK: Staff to reinsert the original page 46 dated 2003 which includes the social security number in the apprentice packet due to regulation 12 AAC 14.210 (f) and then check with regulations specialist to see if we need to have a regulation to change the NARM Form when it was our form and because of the 7/1/09 Alaska Law change regarding social security numbers.

Agenda Item 12 Review applications

The board reviewed additional birth documentation provided by Jennifer Germain and determined it was all in order and approved her for licensure pending payment of licensing fee and wall certificate fee. Jennifer was at the board meeting and paid the required fees.

On a motion made by Barbara Norton, seconded by Cheryl Corrick; it was RESOLVED TO APPROVE Jennifer Germain for licensure as a Certified Direct-Entry Midwife by credentials. All in favor, no nays.

Board deviated to **Agenda item 19 – Medication Form for application by Exam**

Dr Downing will not be able to attend the meeting on Friday so the board discussed revision of medication form. In order to provide for more concise information the board drafted a one page form. Staff will type it up and the board tabled the vote to the scheduled time for agenda item 19 on Friday.

Back to Agenda Item 12 Review applications

Application for **Autumn Loken** was reviewed by the board. The board determined all documentation was in order and approved her for licensure pending passing the NARM exam and pending payment of licensing fees.

On a motion made by Dr. Downing, seconded by Cheryl Corrick; it was RESOLVED TO APPROVE Autumn P. Loken for licensure as a Certified Direct-Entry Midwife pending passing NARM exam and payment of license fee. All in favor, no nays.

Motion to approve for licensure PENDING:

- Passing NARM
- Submitting certification fee of \$500.00

Application for **Cori Hompesch** was reviewed by the board. The board determined all documentation was in order and approved for licensure.

On a motion made by Cheryl Corrick, seconded by Dr. Downing it was RESOLVED TO APPROVE Cori Hompesch for licensure as a Certified Direct-Entry Midwife. All in favor, no nays.

While board reviewed next application - deviation in discussion regarding the amendment to the February 4-5, 2010 board meeting minutes. Staff asked the board, to vote on the record to insert the written record of Barbara Norton declining any reimbursement for attending the meeting under the ethics portion of the minutes.

On a motion made by Dr. Downing, seconded by Cheryl Corrick; it was RESOLVED TO APPROVE the revised minutes for the February 4-5, 2010 board meeting. All in favor, no nays.

Board reviewed Sandra Weeks application, (reinstatement applicant) and agreed that she had met most of the requirements for CDM licensure. She did not complete peer review for either of the periods 2005 and 2006 and she will need to complete a state law questionnaire.

Staff to send a letter to Ms. Weeks, advising she must complete the Peer review for the 2 peer review cycles which she held a license. The requirement for peer review was April 1, 2005 to May 30, 2006 and April 1, 2006 to May 30, 2007. Ms. Weeks did not renew her license for the January 1, 2007 but she still needs to comply with peer review for the months she held licensure April 1, 2006 to December 31, 2006.

Although she did not complete the Peer review for either of the years she held her license she must provide a written response for the board prior to moving forward.

On a motion made by Cheryl Corrick, seconded by Dr. Downing it was RESOLVED TO APPROVE Sandra Weeks application for recertification, pending receipt of peer review report for the period 4-1-05 through 12-31-06 and a completed state law questionnaire. All in favor, no nays.

TASK: Staff to send a letter to Ms. Weeks with jurisprudence questionnaire and Peer Review forms.

Board deviated to **Agenda item 15 – Jurisprudence for renewal**

The board is required to revise the jurisprudence for Alaska State Law for each renewal. The self study program covers the board's current statutes and regulations. This self-study questionnaire is mailed to each licensee with their license renewal form.

On a motion made by Dr. Downing, seconded by Barbara Norton it was RESOLVED TO APPROVE the revised jurisprudence questionnaire as drafted. All in favor, no nays.

Board deviated to **Agenda Item 18 – Correspondence**

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Laura Gore asked the board to consider changing regulation 12 AAC 14.4009(b)(4)(a) from Basic Life Support (BLS) to provider level adult and infant CPR.

Board will add this request to a list for future regulation projects. According to existing regulations BLS is the only course we can accept, the board would like to change it to BLS or provider level CPR.

Board deviated to **Agenda Item 21 – Meeting dates**

February 17-18, 2011 in Anchorage and September 8-9, 2011 in Anchorage

On a motion made by Dr. Downing, seconded by Cheryl Corrick it was RESOLVED TO APPROVE the February 17-18, 2011 board meeting in Anchorage and schedule September 8-9, 2011 board meeting in Anchorage. All in favor, no nays.

No discussion. Recess Meeting at 3:20 p.m.

August 20, 2010

Agenda Item 13 Call to Order

Holly Steiner called the meeting to order at 9:05 a.m. Cheryl Corrick, and Barbara Norton and staff – Connie Petz were present. Approved absence: Peggy Downing. There was a quorum of the board.

Deviation back to **Agenda Item 9 Regulation Projects**

The Board had tabled agenda item 9 for direction from regulation specialist. As there was no change in the subject matter of the revisions, it is ok to proceed. In review of the draft regulations which were public noticed, the board considered the written public comment, stated there would be no cost to the public and has agreed to keep all regulations as written except:

12 AAC 14.500. PRENATAL CARE (h) The certified direct-entry midwife shall consult with a physician or **[ANOTHER]** certified nurse midwife if, during the prenatal period, the client...

The board does not want the word **ANOTHER** as presented in the draft regulation as it implies the certified direct-entry midwife is the same as a certified nurse midwife. They added CNM to the regulation because there is not always a physician available and it reflects current practice in the state of Alaska that Certified Direct-Entry Midwives and Certified Nurse Midwives practice collaboratively.

12 AAC 14.510. INTRAPARTUM CARE.

12 AAC 14.510 (c) (7) [HAS MECONIUM STAINED AMNIOTIC FLUID OTHER THAN VERY LIGHT;]

The board withdraws the request to repeal 12 AAC 14.510 (c) (7) and requests revision to read:

12 AAC 14.510 (c) (7) has meconium stained amniotic fluid **that is thick and or has particulate matter**;

12 AAC 14.530. INFANT CARE

The board would like to amend 12 AAC 14.530. INFANT CARE to revise the regulation to read:

12 AAC 14.530 (a)(6) shows signs of prematurity or IUGR;

Dysmaturity is too broad of a term and IUGR is a more specific concern for a newborn.

And

12 AAC 14.530 (a)(14) revised to read: requires greater than one minute resuscitation by bag and mask or **any** cardiopulmonary resuscitation; or

Adding the word **any** and keeping the words 'greater than one minute' so it does not imply a midwife could do CPR for one minute and not transport.

On a motion by Barbara Norton, seconded by Cheryl Corrick, ADOPT the regulations as revised. All in favor, no nays.

Dr. Downing was not in attendance for this vote. There was a quorum for the board and there was no further discussion.

Deviation back to Agenda Item 19 Project – Medications Form

Board the revised the ten page medications form 08-4215e to a 1 page form.

On a motion made by Cheryl Corrick, seconded by Barbara Norton, it was RESOLVED TO APPROVE the revised medications form. All in favor, no nays.

No discussion.

TASK: Staff to update the application by exam with the revised form 08-4215e.

Agenda Item 14 Course of Study Program review for 2011

An apprentice may take their course of study program from schools that are MEAC accredited along with three approved course providers: Via Vita, Midwife to Be, Ancient Arts.

The board is tasked per 12 AAC 14.200. COURSE OF STUDY REQUIREMENTS (e) To review the list of provider biennially to determine if the course of study on the list continues to meet the requirements of 12 AAC 14.200 (a) of this section.

The three approved providers must provide education to an apprentice that is in compliance with the current statutes and regulations. It is the responsibility of each provider to contact the board requesting continued acceptance of their

program prior to their approval dates expiring. The board asked staff to send a letter to each provider asking them to provide a written explanation of how they are complying with statutes and regulations. The provider must submit to the board documentation regarding changes in their courses and address the regulation changes since their last approval date.

Staff had sent a letter to each provider advising them of the regulation change 12 AAC 14.200 (g) A course of study must include at a minimum a comprehensive mid-course of study examination and a final comprehensive examination that covers all of the topics in (a) of this section.

Task: Staff to send a letter to each provider advising them to submit their documentation prior to the February 2011 board meeting.

Agenda item 15 – Jurisprudence Exam completed earlier in meeting

Agenda Item 16 Peer Review

Board reviewed Peer Review reports for period: April 1, 2008 to March 31, 2009.

On a motion made by Cheryl Corrick, seconded by Barbara Norton, it was RESOLVED TO ACCEPT PEER REVIEW reports for 2009. All in favor, no nays.

Board reviewed Peer Review reports for period: April 1, 2009 to March 31, 2010. One CDM did not submit as she was out of the country and unable to retrieve her records to submit to Peer Review. She did contact peer review in a timely manner and arranged to follow up with Peer Review as soon as she returns to the United States.

On a motion made by Barbara Norton, seconded by Cheryl Corrick, Norton, it was RESOLVED TO ACCEPT PEER REVIEW reports for 2010 with the notation that Erinn Mandeville is not in compliance and has been granted an extension until December 1, 2010 to comply. All in favor, no nays.

TASK: Peer Review to send a follow up report to the board once Ms. Mandeville is in compliance.

Staff presented documents that were in a file for emergency transports, incidents or unusual circumstances. The board determined that some of the forms were obsolete and could be destroyed. The board recalled some of there were eliminated in 2004.

Discussion revolved around revising the emergency transport report form to also include incidents. The board changed the form from Emergency Transport Report to Emergency Transport / Incident Report.

Changes were:

Emergency Transport Report now reads Emergency Transport / Incident Report

Opening paragraph – write all of regulation to read 12 AAC 14.900 (c)(3) and add change emergency transport report in second line to read emergency transport/incident ...

Amend item number four from Reason for transport, actions taken and outcome to read: Reason for report, including actions taken and outcome:

On a motion made by Cheryl Corrick, seconded by Barbara Norton, it was RESOLVED TO APPROVE, the updated and revised Emergency Transport / Incident Report form 08.4551 as Holly has read and revised. All in favor, no nays.

TASK: Staff to revise form 08-4551 emergency/transport report and post to web.

TASK: MAA Peer Review to work on form 08-4551 to target specific questions and submit to the board for discussion and potential future revision. Staff will work with Peer Review on this project too.

Old business from Feb 25-26, 2010 board meeting - agenda item 16 Peer Review – Correspondence dated March of 2009 between Judy and Dan Branch regarding the fact there is no agreement in place for the Peer Review. This needs to be worked on per **12 AAC 14.940**. Draft a letter of agreement to the Midwives Association of Alaska (MAA) for Peer Review which the chair of board and chair of the MAA both need to sign. Address in the letter; the board does not give up duties and powers of the board or authority for disciplinary actions.

TASK: Holly to draft letter of agreement between the board and MAA. Holly will e-mail the draft agreement to staff so it can be put on state letterhead and sent to the rest of the board to review and approve via e-mail.

Break - Off the record at 11:12 a.m. back on the record at 11:25 a.m.

Agenda item 17 Project Reinstatement of Lapsed Certificate

Staff presented a draft for a checklist for reinstatement based on the regulation 12 AAC 14.470 (a) and 12 AAC 14.470 (b) as the board needs to create an entire application for reinstatement.

TASK: Staff to make 2 checklists and a reinstatement application

- o checklist for lapsed less than 2 years
- o checklist for more than 2 years but less than 5 years
- o Create reinstatement application

Staff suggests that a lapsed certificate project be started outside of a board meeting and brought to the board to review. Then they can make decisions while at a board meeting to make more progress on this item.

Holly wants the board to think of what other instances someone may need a permit? Board needs to draft a regulation to allow for an interim permit in order to meet the requirements of reinstatement. This will be a future regulation project, creating a temporary permit for a reinstatement applicant or a non apprentice applicant who does not hold a license in another state, IE: CPM.

Currently the board can license by exam and credentials, in order to license by CPM (Certified Professional Midwife) this would require a statute change.

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Agenda Item 18 **Correspondence** – completed earlier in meeting

Agenda Item 19 **Project – Medications** – completed earlier in meeting

Agenda Item 20 **Project – Future Regulations**

Discussion of potential future projects for both regulations and statute and to add to annual report.

Consider changing to BLS to also allow include Adult and Infant CPR

Add CPM to future statute project for another way to qualify for licensure

Future regulation project to change medication Rhogam to RH....

Create temporary permit for lapsed license

Project, how do we accept an apprentice who begins apprenticeship in other states?

Preceptor verification form needs to be created for anyone who is not in our state.

Revise form 04-4215c to certify that whoever completes the form has met the requirements for this state...

Agenda Item 21 **Schedule Meeting** – completed earlier in meeting

Board to meet February 17-18, 2011 and September 8-9, 2011 in Anchorage

Task Lists:

Staff:

Ask department of law if 12 AAC 14.210(a)(2) clarifies that the board can accept preceptors from other states. Can a regulation clarify statute or does the statute need to be changed?

Add a bullet point on the apprentice application regarding the birth observes

Reinsert page 46 dated 2003 which includes the social security number in the apprentice packet. Then check with regulations specialist to see if we need to have a regulation to change the NARM Form when it was our form and because of the Alaska Law change.

Send letter to Ms. Weeks with jurisprudence questionnaire and Peer Review forms.

Update the application by exam with revised medication form 08-4215e.

Send a letter to the 3 course providers advising them to submit their updated course documentation prior to the February 2011 board meeting.

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Revise form #08-4551 Emergency/transport report and post to web.

Make 2 checklists and a reinstatement application

- o checklist for lapsed less than 2 years
- o checklist for more than 2 years but less than 5 years
- o Create reinstatement application

Holly: Draft the letter of agreement between the board and MAA and Holly will e-mail the draft agreement to staff so it can be put on state letterhead and sent to the rest of the board to review and approve via e-mail.

Peer Review:

Once Ms. Mandeville is in compliance, Peer Review to send follow up report to the board.

MAA/Peer Review to work on a project to review form #08-4551 for a more in depth emergency/transport document. Target specific questions/concerns and submit to the board for discussion and potential future revision. Staff will work with Peer Review on this form.

Adjourn Meeting

**On a motion by Barbara Norton, seconded by Cheryl Corrick to
ADJOURN the meeting at 12:50 p.m. All in favor, carried unanimously.**

Meeting adjourned and off the record at 12:50 p.m.

Respectfully Submitted:



Connie Petz, Licensing Examiner



Holly Steiner, CDM Chair

Date: Feb. 17, 2011