

MID board meeting minutes for February 17-18, 2011

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

**BOARD OF CERTIFIED DIRECT-ENTRY MIDWIVES**

550 West 7<sup>th</sup> Ave  
Atwood Building Room 1270  
Anchorage, AK

February 17-18, 2011

**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.**

**February 17, 2011**

**Agenda Item 1      Call to Order**

Meeting was called to order by Holly Steiner, CDM, Chair at 9:10 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  
Mary 'Jennie' Grimwood, Public Member, Cordova

Present from the Division of Corporations, Business & Professional Licensing:  
Connie Petz, Licensing Examiner  
Don Habeger, Director  
Sara Chambers, Program Coordinator  
Quinten Warren, Chief Investigator  
Jo Anna Williamson, Investigator  
Sher Zinn, Licensing Supervisor - via telephone

Present from the Dept. of Law - via telephone  
Dan Branch, Assistant Attorney General

**Agenda Item 2      Review / Agenda**

Holly asked to add discussion after agenda item 11 regarding the lack of access to medical consultation. This is a public safety issue and over 50% of the midwives are being affected.

**On a motion made by Dr. Downing, seconded by Cheryl Corrick it was  
RESOLVED TO APPROVE the AGENDA as Amended. All in favor, carried  
unanimously.**

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### **Agenda Item 3      Review / Approve Minutes**

August 19-20, 2010 minutes reviewed.

**On a motion made by Barbara Norton, seconded by Dr. Downing, it was RESOLVED TO APPROVE the August 19-20, 2010 MINUTES as written. All in favor, carried unanimously.**

No discussion.

### **Agenda Item 4      Ethics Reporting**

No ethics violations to report by any board members or staff.

Board Chair, Holly welcomed Jennie Grimwood of Cordova to the Board. This is her first state board position.

### **Agenda Item 5      Investigative Report**

Investigator Jo Anna Williamson attended the meeting.

Three open cases and there are no closed cases.

3400-08-001 Violating Professional Ethics is an ongoing case and pending a consent agreement. This case is being handled by Susan Winton.

2010 - 000966 Standard of Care – Ongoing  
2011 - 000159 negligence – Ongoing  
2011 - 000161 negligence – Ongoing

Jo Anna advised the board that she reviews a complaint and then investigates to see if it is a valid situation. She confers with a board member with the complaint for more information to determine if a violation has occurred or if a case should be opened.

JoAnna told the board that to report a complaint call investigations 907-269-8437. She also offered her direct line 907-269-8614.

### **Agenda Item 6      Annual Report and Budget Report**

Board reviewed the current annual report for any amendments or new goals.

In review of the goals page 7; Goals and Objectives

Objective # 8 applications and forms for preceptors have been created, eliminate second half of the goal completely and strike ~~(and from other states, and change regulations requiring apprentices to report every preceptor).~~

Strike all Objective # 9 ~~Develop appropriate requirements to include applicants by exam and credentials to take the State Law exam.~~

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Objective # 10 will be reviewed later in the board meeting and this objective should have been met, so it could be recorded in the report as such.

TASK: Secretary Corrick will draft narrative wording and forward to staff for the annual report with all of the revisions no later than mid June or early July 2011.

Staff reminded the board the FY11 annual report is due by August 1, 2011.

The board reviewed the budget and understands the current deficit will be covered by the recent license fee increase.

### **Agenda Item 7            Old Business – Task follow up**

The board asked Department of Law to review AS 08.65.090 and 12 AAC 14.210 and the board held discussion with Dan Branch.

Question One: Can an apprentice permit holder in the State of Alaska qualify births under their supervised clinical experience requirements if the preceptor is not an Alaska licensed preceptor. AS 08.65.090

Response: No, assuming that qualifying births is one of the permitted activities of a certified direct-entry midwife for purposes of AS 08.65.090(b). 12 AAC 14.130(g) defines "apprenticeship program preceptor" to mean an individual who meets the supervisory requirements of AS 08.65.090(b). If that is what is meant by "Alaska licensed preceptor", then only persons who are certified to practice direct entry midwifery in Alaska under AS 08.65.050 or AS 08.65.070 can serve as apprenticeship program preceptors and then only if they have the required 2 years of practice under their belts.

There are two ways under 90(b) to meet the qualifications for an apprentice supervisor --- 90(b)(1) --- you must be licensed as a certified direct-entry midwife by Alaska (plus 2 years experience here) 90(b)(2) --- you must be certified in Alaska as a direct entry midwife under AS 08.65.070 (plus 2 years of experience)

12 AAC 14.210(a)(2) that allows someone to be a preceptor if, "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." However the scope of 210 goes beyond apprenticeship programs and is limited, when it comes to apprentice programs by 12 AAC 14.220(b), which requires an apprentice supervisor to satisfy 90(b).

Question 2: Can our state accept apprentices who began their program in another state or location and then come to Alaska to finish their apprentice program in our state. 12 AAC 14.210 and 12 AAC 14.220

Response: No. As mentioned above, the relevant statutes and regulations only allow apprenticeship programs that are supervised by a midwife certified by Alaska. This requirement is echoed by 12 AAC 14.220(b).

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### **Agenda Item 8            Regulation Project Part 1 and Part 2**

Staff advised Regulation for Part 1 will become effective March 2, 2011 and the new statutes and regulations will be posted on the web at that time.

Board reviewed Part II of the regulation project with department of law and tabled their final decision until the afternoon session and after the public comment period.

**LUNCH   OFF record at 12:08 p.m. Back on record at 1:03 p.m.**

Holly called the meeting to order. All board members present.

### **Agenda Item 9            Public Comment**

Kristine Olson – regarding the role of the board versus the profession of the midwives.

Elke Saunders – Alaska Birth Network, nonprofit dedicated to promoting mother friendly birth care. She was concerned stating more regulation is not necessarily making it safer for the public. She feels there is now over regulation.

Debra Schneider – shared finding difficulty for consults and is being told that the physician won't see the client unless they transfer care. Sometimes they cannot find a provider. Dr. Downing shared that her office will not do co-care but they will consult.

Katherine Adams – regarding correspondence but this is a MAA issue not board business.

### **DEVIATED back to Agenda Item 8: Regulation project Part II**

STAFF read for the record from the prior discussion for Regulation project Part II:

Withdraw any changes to 12 AAC 14.500 (c)(1)(J) cervical cytology  
Board discussed they will leave as currently written in the regulations.

12 AAC 14.500 (c)(2) is amended to read:

(2)(C) ultrasound for size and date discrepancy, unsure dates or other American College of Radiology accepted indications.

Board discussed they will add (2)(C) but they will not reference the American College of Radiology.

12 AAC 14.500 (d)(2) is amended to include the word fetal.

(2) 15 – 20 weeks of gestation, the certified direct-entry midwife shall discuss with the client the availability of maternal **fetal** [SERUM ALPHAFETOPROTEIN] screening;

**On a motion made by Jennie Grimwood, seconded by Barbara Norton, it was RESOLVED TO ADOPT part two (2) of the regulation project. All in favor, carried unanimously.**

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TASK: Staff to forward Part II of regulation project to regulation specialist for Department of Law to do the final review.

### **Agenda Item 10 Course of Study Programs review/approve for 2 yrs**

Via Vita Project Midwifery Curriculum (Alaska) last approved: March 9, 2009 through March 9, 2011. Approved for name change and to March 9, 2013.

**On a motion made by Cheryl Corrick, seconded by Barbara Norton it was RESOLVED TO approve the course provider and to change the name from Via Vita Project Midwifery Curriculum to Via Vita Midwifery Foundation (Alaska). All in favor, no nays.**

Midwife to Be last approved: March 9, 2009 through March 9, 2011 and now approved to March 9, 2013.

**On a motion made by Cheryl Corrick, seconded by Dr. Downing it was RESOLVED TO approve the Midwife to Be course provider. All in favor, no nays.**

Ancient Arts Midwifery Institute last approved May 31, 2009 through May 31, 2011 and not approved to May 31, 2013.

**On a motion made by Cheryl Corrick, seconded by Barbara Norton it was RESOLVED TO approve the Ancient Arts Midwifery Institute course provider. All in favor, no nays.**

TASK: Staff will send letter advising course providers they have been approved for another 2 years.

### **Agenda Item 11 Review applications**

Application by Exam – Breanne Shults

**On a motion made by Barbara Norton, seconded by Jennie Grimwood; it was RESOLVED TO APPROVE Breanne Shults for licensure as a Certified Direct-Entry Midwife pending passing the NARM exam and payment of license fee of \$1250.00. Holly Steiner abstained as she is the preceptor. All in favor, no nays.**

Application for Preceptor – Jessica Sawyer

**On a motion made by Dr. Downing, seconded by Jennie Grimwood; it was RESOLVED TO APPROVE Jessica Sawyer as a preceptor. All in favor, no nays.**

Application for Apprentice:

The board has one application for apprentice to review. I, Holly Steiner, as chair of the Alaska Board of Certified Direct-Entry Midwives, call for a motion to enter executive session to discuss the application in accordance with: AS 44.62.310(c)(2) and (3) and the Alaska Constitutional Right to Privacy Provisions, for the purpose of discussion of the apprentice permit application.

**On a motion by Cheryl Corrick to go into executive session for the purpose of discussing the apprentice application. Seconded by Dr Downing.  
All in favor, no nays**

Holly Steiner read for the record:

**The Alaska Board of Certified Direct Entry Midwives is RESOLVED to enter executive session in accordance with AS 44.62.310(c) (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; and (3) matters which by law, municipal charter, or ordinance are required to be confidential, and the Alaska Constitutional Right to Privacy Provisions, for the purpose of discussion an apprentice permit application submitted by this person.**

Board Members and Staff to remain in the room and any public members to step out of the room.

Entered executive session and OFF record at 2:36 p.m.

Out of Executive session and ON record at 3:38 p.m.

The board of certified direct entry midwives reviewed the apprentice application submitted by April Wood.

**On a motion made by Cheryl Corrick, seconded by Dr. Downing; it was RESOLVED TO DENY application for apprentice direct entry midwife to April Wood.**

**Per 08.65.050 Qualifications for license (3) furnishes evidence satisfactory to the board that the person has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.65.110 Grounds for discipline, suspension, or revocation of certification (4) has been convicted of a felony or other crime that affects the licensee's ability to continue to practice competently and safely.**

**And per 12 AAC 14.140 Application made under oath or affirmation; disciplinary sanctions. The applicant must sign the application and swear to or affirm the truth of its contents. False or misleading statements or information on the application, whether or not made knowingly, are grounds for denial of approval to take an examination under AS 08.65 or for disciplinary sanctions under AS 08.65.120.**

**All in Favor, No Nays.**

No Discussion.

RECESS meeting at 3:40 p.m. and reconvene at 9:00 a.m.

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**FRIDAY – February 18, 2011**

### **Agenda Item 12                      Call to Order**

Holly Steiner called the meeting to order at 9:11 a.m. Role call: Cheryl Corrick, Dr. Downing, Jennie Grimwood and staff – Connie Petz were present. Barbara Norton approved to join the meeting late and plans to arrive by 10:30 a.m.

Staff advised a need to amend the agenda to include CE audit and Jurisprudence questionnaire review from the recent license renewal period.

**On a motion made by Cheryl Corrick, seconded by Dr. Downing it was RESOLVED TO AMEND the AGENDA. All in favor, carried unanimously.**

Board reviewed CE audits submitted by Judi Davidson License #10 and Christine (Chinmayo) Forro license #15. Both were complete and approved by board.

**On a motion made by Dr. Downing, seconded by Jeannie Grimwood it was RESOLVED TO APPROVE THE CE'S AUDITS AS COMPLETE. All in favor, carried unanimously.**

TASK: Staff will send letter advising licensees their audits are approved.

Board reviewed all jurisprudence questionnaires from the recent license renewal. All are complete and no follow up is required by staff.

### **Agenda Item 13                      Project: Reinstatement of Lapsed Certificate**

12 AAC 14.470 (a) and 12 AAC 14.470 (b)

Staff created a checklist for a reinstatement application, board reviewed and all areas are covered so staff can proceed with draft of reinstatement application.

TASK Staff: create reinstatement application and post to web

Discussion on how does someone out of practice meet the required 10 births to reinstate? The apprentice permit is one avenue if all other requirements are met, but that permit is designed for someone without the experience. The board needs to create a process that allows the ability to meet the birth requirements.

Staff called supervisor Sher Zinn for direction. Sher advised this would be a question for department of law. Ask if the board has authority to issue or create a permit for the lapsed certificate holder and is it a statute or a regulation change.

TASK: Staff to ask Dept of Law if 08.65.030(1) gives the board authority to create a regulation to issue a temporary permit to a lapsed license holder to allow them to gain the required 10 births within one year of application for reinstatement. Also, would this be a new statute? Can it be a regulation or does it have to be a statute change?

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Staff noted a typo on the preceptor form which is located in the apprentice application packet and this will be corrected and posted to the web. 12 AAC 14.200 was referenced and it should be 12 AAC 14.220.

TASK: Staff to have preceptor form updated with correct regulation reference 12 AAC 14.220 in the apprentice application packet.

Staff noted the application for apprentice did not allow for total of continuous care on part I.

TASK: Staff to update apprentice application Part 1 totals to include a block for keeping track of continuity of care.

Another old business discussion was that Holly wants the board to think of what other instances someone may need a permit? A non-apprentice applicant who does not hold a license in another state (for instance, that state does not require licensure, but they are a CPM and they have been practicing midwifery. How can their births count? This may be a future regulation project, creating a temporary permit to allow time for them to meet the birth requirements by exam.

### **Agenda item 14      Project: Peer Review**

Old business from prior board meetings - Peer Review and correspondence dated March of 2009 between Judy Weske 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**.

Holly drafted a letter of agreement to the Midwives Association of Alaska (MAA) for Peer Review which the chair of board and chair of MAA's peer review committee both would need to sign, once approved by the division. Addressed in the letter; the board does not give up duties and powers of the board or authority for disciplinary actions.

The board also wants to have the list of peer review committee names and terms. Board discussed that it is not an ideal situation to have a board member on Peer Review at the same time they are serving on the board. They would have to recuse themselves from voting.

TASK: Staff to forward draft Peer Review letter and documentation on to supervisor for Dept of Law and send a list of all Peer Review committee members to board members.

### **Agenda Item 15      Project: Future Regulations**

Lara Gore advised the board that MAA has a committee and a potential sponsor in hopes to have a bill before legislature seeking statute changes. 12 AAC 14.400 (b)(4)(A)

Currently the board can license by exam and credentials, in order to license by CPM (Certified Professional Midwife) this would require a statute change. Perhaps the board could consider the supervised clinical experience requirements to see if this regulation could be amended to meet the CPM requirements. This might make the process to license by CPM the result the board is seeking.

The board held prior discussion considering changing requirements for BLS to also consider accepting the Adult and Infant CPR. Staff pointed out the authority which is

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outlined under 12 AAC 14.110(d) and 12 AAC 14.120(d) which states the board can approve if the substitute program is equivalent. Deb Schneider said the Red Cross has just gone through some changes and their cards now should meet the AK requirements including BLS on them.

Break at 11:00 a.m. - Back on record at 11:12 a.m.

Don Habeger, Director of the Division of CBPL joined the meeting and shared briefly about a bill being presented during this legislative session for a 180 day courtesy license for military personnel. These will allow a qualifying military applicant or a military member's spouse an expedited licensing process. They must still meet the licensing qualifications. There may also be some license fees and CE requirements which may be waived, under certain guidelines. Don said that some areas of this bill may not impact the midwifery profession but he wanted the board to be aware.

The board discussed considering a regulation project using the nursing boards 'grounds for denial and disciplinary guidelines' for an application for an apprentice permit and a certified direct-entry license. The board decided this would be a project. Jennie agreed to work on a draft for regulations and this will be an agenda item at the next board meeting.

TASK: Cheryl will add 'grounds for denial and disciplinary guidelines' to the boards' goals and objectives.

Future regulation project to change trade name Rhogam medication this is still on the list.

### **Agenda item 16      Medicaid – Non-reimbursement for apprentices**

Discussion regarding Medicaid law article 4 Direct-Entry Midwife Services 7 AAC 110-180. It is the Midwife who is enrolled and reimbursed by Medicaid for services rendered. The department of Health and Social Services will not enroll a direct-entry midwife in training or an apprentice. CDM services are those services for the management of prenatal, intrapartum, and postpartum care that the CDM is certified to provide under 12 AAC 14.

LUNCH BREAK - off the record at 11:45 a.m. back on the record 1:00 p.m.

All board members present.

### **Agenda Item 17      Presentation by Lymus Capehart US Dept of Labor**

One of the goals of the Board is to grow the profession of midwifery so staff asked Mr. Capehart to present about developing a certified apprenticeship program with the US Dept of Labor.

Mr. Capehart works for the US Dept. of Labor – Office of Apprenticeship. He explained the registered apprenticeship program creates an apprenticeship training model to grow occupations around the state and nationally. He could, in conjunction with the midwives, using the CDM statutes and regulations; and along with NARM be able to create an apprentice midwifery program that could be used on a national level.

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This could be the first midwife apprenticeship model and would be available nationally. The program would be established using the AK course of study program. If Alaska is the first to set the standards for an apprentice program then every state would be required to meet the U.S. Dept. of Labor's established guidelines, although each jurisdiction must still meet the specific laws within their jurisdiction.

What is an apprentice program? An employer sponsors a student in a 'paid - on the job' program of learning with related theoretical and didactic material that will gain the skills required to work within the profession.

It is the industry which develops the program. The designers of the program decide what the student needs to know in order to be qualified to perform the task of the profession. Mr. Capehart said the AK statutes and regulations already outline a very specific set of requirements. During the apprentice program, as skills increase, wages increase.

At no charge to the board or midwives, the US Dept of Labor will help develop a program with the assistance of the MAA organization. The public members asked Mr. Capehart to make a presentation at their next MAA meeting. Then he could work with MAA and they would ask Sharon Evans to attend the meeting to assist in program development.

Key: Alaska can set the model nationally for the midwifery apprentice program and it would be registered federally. The model can be done on competency or time based (number of procedures). Once the apprenticeship program is completed the certificate of completion would be recognized across the entire country.

### **Agenda Item 18      Correspondence –**

Staff shared that there was a court decision which stripped a 'board' of immunity and she wanted to note the importance of adhering to statutes and regulations.

Letter from Kodiak resident seeking apprentice program but there is no preceptor in her community. Public member shared she has agreed to proctor and the applicant will travel between their two cities during her apprenticeship.

### **Agenda Item 19      Vote for board chair**

Holly would like to continue as chair of board.

**On a motion made by Cheryl Corrick, seconded by Dr. Downing,  
REAPPOINT Holly Steiner as CHAIR of the board.  
All in favor, carried unanimously.**

### **Schedule Meetings:**

Fall meeting will be September 8-9, 2011 in Anchorage and the spring meeting will be February 23-24, 2012 in Juneau.

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### Task Lists:

#### Staff:

- Forward Part II of regulation project to regulation specialist for Department of Law to do the final review.
- Send letters advising course providers they have been approved for another 2 years.
- Send letter advising licensees their audits are approved.
- Create reinstatement application and post to web
- Ask Dept of Law if 08.65.030(1) gives the board the authority to create a regulation to issue a temporary permit to a lapsed license holder to allow them to gain the required 10 births within one year of application for reinstatement. Also, would this be a new statute? Can it be a regulation or does it have to be a statute change?
- Update preceptor form with correct regulation reference 12 AAC 14.220
- Update apprentice application to have Part 1 totals to include a block for keeping track of continuity of care.
- Forward draft Peer Review letter and documentation on to supervisor for Dept of Law and send board a list of all Peer Review committee members.

**Cheryl:** Draft the narrative for the annual report and revise the goals and objectives. Add 'grounds for denial and disciplinary guidelines' and forward to staff.

**Jennie:** Project: Jennie agreed to work on a draft for regulation project with 'grounds for denial and disciplinary guidelines' for the next board meeting.

### Adjourn Meeting

**On a motion by Dr Downing, seconded by Cheryl Corrick to  
ADJOURN the meeting at 2:25 p.m. All in favor, carried unanimously.**

Meeting adjourned and off the record at 2:25 p.m.

Respectfully Submitted:

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Connie Petz, Licensing Examiner

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Holly Steiner, CDM Chair