

**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**

**SEPTEMBER 6-7, 2007**

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 September 6, 2007 in the Atwood Building, 550 W 7<sup>th</sup> Ave., Suite 1270, Anchorage, Alaska.

**September 6, 2007**

**Agenda Item 1**

**Call to Order/Roll Call**

The meeting was called to order by Dana Brown, CDM, Chair at 11:05 a.m.

Present, constituting a quorum of the board were:

Dana Brown, CDM, Chair, Fairbanks  
Barbara Norton, CNM, Anchorage  
Peggy Downing, MD, Wasilla  
Holly Steiner, CDM, Wasilla  
Mila Cosgrove, Public Member

Staff present: Judy Weske, Licensing Supervisor

Public Present in Anchorage: Judi Davidson;

**Agenda Item 2**

**Review/Amend Agenda**

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

**RESOLVED TO APPROVE THE AGENDA AS AMENDED**

**Agenda Item 3**

**Ethics Reporting**

All members present reported that they had no ethics violations or potential violations.

**Agenda Item 4**

**Review/Approve Minutes**

Mila Cosgrove noted a typo on agenda item 7 of the March 9, 2007 minutes regarding the date of the teleconference.

On a motion made by Steiner, seconded by Norton and carried unanimously it was

**RESOLVED TO APPROVE THE MARCH 9, 2007 and MARCH 23, 2007  
MINUTES AS AMENDED**

Dr. Downing abstained from voting since she was not present at those meetings.

**Agenda Item 6**

**Public Comment**

The board was a few minutes ahead of schedule and took up agenda item 6. Members of the public were present but did not comment at this time.

**Agenda Item 12**

**Peer Review Discussion**

Dana wanted to address the issue of Peer Review. She questioned the value of randomly reviewing summaries of births submitted by certified direct-entry midwives and whether the review does any good. She completely understands review of emergency transports, but questions whether a random review of birth summaries accomplishes anything and does it make a difference. She believes there should be something in place to review the MAA summaries but all emergency transports and incidences must be reported. Dana would like to see the board reword the peer review regulations. Holly questioned whether the board should adopt what NARM has for CPM certification, which mirrors a true peer review.

Mila questioned where the “random” part comes in – she asked if the peer review committee looks at every two page summary. The board replied “yes”. Mila wondered what’s “random” if the peer review committee looks at every summary.

Dr. Downing questioned why low birth rates are not required to be reported under peer review regulation 12 AAC 14.900(3). The birth rate is a good way to catch problems and the whole point of peer review is to catch things – did something get missed.

The board tabled discussion on this topic as Susan Winton was present for Agenda Item 5.

**Agenda Item 5**

**Investigative Report and CDM Preceptor Program**

Susan Winton presented the investigative report to the board and gave an overview of the investigative process. Susan touched on the process for a cease and desist order for unlicensed practice.

Susan presented the board with a Memorandum of Agreement in Case Number 3450-07-001.

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

**RESOLVED TO MOVE INTO EXECUTIVE SESSION IN ACCORDANCE WITH AS 44.62.310 TO DISCUSS THE MOA.**

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

**RESOLVED TO ADOPT THE MEMORANDUM OF AGREEMENT IN CASE NO. 3450-07-001, Kathryn M. Adams.**

Susan Winton presented the original MOA to the chair for signature.

Susan addressed the board regarding the preceptor application and specifically whether a midwife licensee on probation should be able to act as a preceptor. Susan recommended the board amend the preceptor application to reference 12 AAC 14.210(5). Susan stated that in the future when she prepares a MOA she will check to see whether the individual is also a preceptor and then forward that information to the chair for consideration as to whether the MOA should include reference to the preceptor requirements.

The board recessed at 12:30 p.m.

Back on the record at 1:25 p.m.

Present, constituting a quorum of the board were:

Dana Brown, CDM, Chair, Fairbanks  
Barbara Norton, CNM, Anchorage  
Peggy Downing, MD, Wasilla  
Holly Steiner, CDM, Wasilla  
Mila Cosgrove, Public Member

Staff present: Judy Weske, Licensing Supervisor

The chair stated that she would like the board to establish ground rules for communication during the meeting. The chair felt Mila was the best person to lead the discussion with her human resource and mediation skills. Mila stated she was happy to do that and gave examples of potential ground rules. One item she mentioned would be helpful to her is to understand the role of public in the meeting process.

Through discussion, the board set the following ground rules:

1. Come prepared to meeting which includes having board meeting packets two weeks in advance of the meeting and understanding the board statutes and regulations.
2. "First listen to understand" which includes active listening and listening to understand what the person is saying. You may not agree with the point of view being shared but you allow that person to share. You may ask a question but not for purposes of debating but for purposes of clarifying what the person is saying by restating the question.
3. Allow for structured public comment at the Chair's discretion.

Mila addressed the role of the public in discussion during the meeting. Dana stated that the board does not want to be too rigid in restricting public participation.

Christina Olson, member of the public, responded to that ground rule from her perspective. She said that the licensees wait six months between meetings to participate and be heard.

#### **Agenda Item 7      Applications for Certification**

The board reviewed applications for licensure by examination for Kathryn Adams and Joy Beebe.

Joy Beebe's application is complete except for proof of passing the NARM examination.

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

**RESOLVED TO APPROVE THE APPLICATION FOR CERTIFICATION BY EXAMINATION FOR JOY BEEBE PENDING PASSING THE NARM LICENSING EXAMINATION.**

Kathryn Adams' application was discussed. Ms. Adams was present and gave the board copies of her Group B certification. The issue of Ms. Adams practicing without an apprentice permit was raised and whether that experience should count. The board would like to accept the experience but doesn't want to set a precedent for future situations.

Ms. Adams' application was not complete. The board advised that she needed to have the Course of Study Certification form completed.

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

**RESOLVED TO TABLE KATHRYN ADAMS APPLICATION UNTIL FRIDAY, SEPTEMBER 7, 2007 PENDING MS. ADAMS COMPLETING THE REQUIRED FORMS.**

**Agenda Item 8**      **FY 07 Annual Report**

Mila presented the draft FY 07 Annual Report. The board reviewed the report and the goals and objectives.

On a motion made by Downing, seconded by Norton and carried unanimously it was

**RESOLVED TO APPROVE THE ANNUAL REPORT AS AMENDED.**

**Agenda Item 9**      **Review "In the Garden Midwifery Course of Study"**

The board reviewed the information provided by Cheryl Peyton for In the Garden Midwifery Course of Study. After discussion and review of the material submitted by Ms. Peyton it was determined that she failed to adequately document a Course of Study in compliance with 12 AAC 14.200. Specifically, she failed to document compliance with 12 AAC 14.200(a)(1)(H).

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

**RESOLVED TO TABLE REVIEW SUBJECT TO STAFF ASKING FOR A COMPLETE COURSE OF STUDY INCLUDING ALL COURSE MODULES AS WELL NOTIFYING HER OF BOARD'S CONCERNS THAT SHE HASN'T MET 12 AAC 14.200(A)(1)(H).**

Dana Brown abstained from voting and Barbara Norton voted no.

The board set a December 15, 2007 deadline for submitting the information.

The board recessed at 4:10 p.m.

The board came back on the record at 4:12 p.m. to consider the final documentation needed for Kathryn Adams application.

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

**RESOLVED TO APPROVE THE LICENSE APPLICATION FOR KATHRYN ADAMS PENDING PASSING THE NARM EXAMINATION AND PAYMENT OF THE LICENSE FEE.**

**Agenda Item 11**      **Call to Order/Roll Call**

**September 7, 2007**

The meeting was called to order by Dana Brown, CDM, Chair at 9:10 a.m.

Present, constituting a quorum of the board were:

Dana Brown, CDM, Chair, Fairbanks  
Barbara Norton, CNM, Anchorage  
Peggy Downing, MD, Wasilla (arrived at 9:15 a.m.)  
Holly Steiner, CDM, Wasilla  
Mila Cosgrove, Public Member

Staff present: Judy Weske, Licensing Supervisor

**Agenda Item 10**      **Set Standards for Course of Study**

The board discussed the differences between the preceptor versus who is responsible for directing the course of study. Since the board has adopted specific course of study programs, the board would like the course of study form amended. Discussion continued regarding who should sign the completed the course of study form – the preceptor or the course of study provider. The board determined that both should sign the form.

The board also discussed setting minimum assessment tools for a course of study. On a motion made by COSGROVE, seconded by Norton and carried unanimously it was

**RESOLVED TO ADD A NEW SUBSECTION TO READ: A COURSE OF STUDY SHALL INCLUDE AT A MINIMUM A COMPREHENSIVE MID COURSE OF STUDY EXAMINATION AND A FINAL COMPREHENSIVE EXAMINATION THAT COVERS ALL OF THE TOPICS UNDER 12 AAC 14.200(A).**

On a motion made by COSGROVE, seconded by Downing and carried unanimously it was

**RESOLVED TO AMEND 12 AAC 14.200(C)(2) TO READ: A NOTARIZED COURSE OF STUDY CERTIFICATION FORM, PROVIDED BY THE DEPARTMENT, SIGNED BY THE COURSE OF STUDY PROVIDER AND THE APPLICANT'S PRIMARY PRECEPTOR.**

The board discussed amending 12 AAC 14.200(e) to require that course of study providers submit the Apprentice Midwifery Programs Course of Study Certification form biennially. The board may require additional documentation to determine if the course of study continues to meet (a) of this section.

Approved courses of study shall submit a form provided by the department biennially to document continued compliance with 12 AAC 14.200(a). Change biennially to require course approval the first board meeting of odd-numbered years.

The board recessed at 10:30 a.m. for a break  
Back on the record at 10:35 a.m.

**Agenda Item 12**      **Peer Review Discussion**

The board reviewed 12 AAC 14.540(a) which references that a CDM shall maintain records of each client on standard obstetric forms prescribed by the board. Dr. Downing asked if the board has a standard obstetric form for maintaining records. The board does not have a specific form for this purpose.

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

**RESOLVED TO AMEND 12 AAC 14.540(A) TO ELIMINATE THE WORDS  
“PRESCRIBED BY THE BOARD.”**

On a motion made by Steiner, seconded by Downing and carried unanimously it was

**RESOLVED TO approve the preceptor application for Susan Terwilliger.**

Mila stated that she doesn't think the peer review committee understands that they only have to do a "random" review of birth summaries; they do not have to review each birth summary. The board discussed creating a list of things a midwife may or may not do that would require a mandatory peer review.

The board would like MAA to create a list of incidents during care which will trigger an audit of a chart for purposes of peer review. At next meeting the board would like to review the list submitted by MAA and then amend the peer review regulations as necessary. Dr. Downing referenced the list should be a list of "outliers" which means in a bell shape curve being on the outside of the curve may be perfectly normal but let's just check on them – issues that may lead to bad apples.

**Agenda Item 13**      **Define Deliver**

Dana asked Susan Winton to share why it's important to define "deliver" – Susan told the board about a midwife who had a patient with a history of cardiac issues/disease and the midwife treated this patient up to labor; the patient had difficulty with labor and was transported to the hospital where she delivered under a doctor at the hospital. The midwife's response was that she didn't deliver and it's true she didn't actually deliver – had there not been complications the midwife would have delivered at home.

Susan directed the board to statute AS 08.65.140(d) which identifies situations in which a midwife “may not knowingly deliver...”

Susan also referred the board to AS 08.65.110(5) under Grounds for discipline, suspension, or revocation of certification (intentionally or negligently engaged in or permitted the performance of client care by persons under the certified direct-entry midwife’s supervision that does not conform to minimum professional standards regardless of whether actual injury to the client occurred).

Susan cautioned the board to not get too broad in defining deliver; Mila suggested the board also clarify in regulations that midwives can’t be the sole provider for prenatal care for woman with certain conditions.

On a motion made by Downing, seconded by Steiner and carried unanimously it was

**RESOLVED TO AMEND 12 AAC 14.990 TO DEFINE THE TERM “DELIVER” TO MEAN A CERTIFIED-DIRECT ENTRY MIDWIFE MANAGING ACTIVE LABOR, 2<sup>ND</sup> STAGE AND 3<sup>RD</sup> STAGE.**

The board further discussed amending 12 AAC 14.550, (medical back-up arrangements) to require collaboration with a licensed physician when conditions listed in AS 08.65.140(d)(1)-(6) and (11) and (15) are present.

Susan suggested that the board appoint a committee to determine which of the practices under 12 AAC 14.550 require collaboration with a licensed physician. Holly and Barbara Norton will work on this list.

**Agenda Item 14**      **Review Renewal Form Reporting Requirements**

On a motion made by Norton, seconded by Steiner and carried unanimously it was

**RESOLVED TO STRIKE THE WORD “SWORN” IN 12 AAC 14.400 AND 12 AAC 14.460.**

**Agenda Item 15**      **Review Susan Winton’s Recommendation from March 2007 meeting re: implement regulation similar to 12 AAC 60.050**

Susan addressed the board re: the midwife board basically two remedies for action if someone falsifies an application, but there is no middle ground. Susan advised that it makes her job easier to take action against an applicant if they make fraudulent or misleading statements. Susan referred to the language in 12 AAC 60.050 (application made under oath; penalty).



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

**RESOLVED TO ADD A NEW REGULATION UNDER ARTICLE 1 TO READ  
“AN APPLICATION FOR LICENSURE IN THIS SECTION MUST BE SIGNED  
AND THE TRUTH OF ITS CONTENTS SWORN TO BY THE APPLICANT.  
FALSE OR MISLEADING STATEMENTS OR INFORMATION, WHETHER  
MADE KNOWINGLY OR NOT, ARE GROUNDS FOR DENIAL OF APPROVAL  
TO TAKE THE EXAMINATION OR REVOCATION OF A LICENSE GRANTED  
ON THE BASIS OF THE FALSE OR MISLEADING STATEMENT.”**

Break at 11:35 p.m.

Back on record at 12:47 p.m.

All members present.

**Agenda Item 16      Consider a “checklist” regulation that will allow staff to  
Approve Apprentice Applications**

Staff asked the board to consider implementing a “checklist” regulation to allow staff to approve the issuance of apprentice permits. The application requirements are minimal for apprentices and it would speed the process for both staff and applicant if a checklist regulation were in place.

On a motion made by Cosgrove and seconded by Downing and carried unanimously it was

**RESOLVED TO CREATE A CHECKLIST REGULATION FOR APPRENTICE  
APPLICATIONS.**

**Agenda Item 17      CE Audit Review**

The board reviewed the continuing education audit for the three licensees randomly selected.

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

**RESOLVED TO ACCEPT THE CONTINUING EDUCATION AUDIT  
DOCUMENTATION FOR DANA BROWN, CHERYL CORRICK, AND KELLY  
DE SIEYES.**

The board commented that while Kelly De Sieyes had enough hours of acceptable education, some of the courses she submitted were related to post menopausal or ovarian failure and those courses did not meet the specific intent of an acceptable course.

**Agenda Item 18      Budget Report**

The board reviewed the budget report.

**Agenda Item 19      Final Comments/Wrap Up**

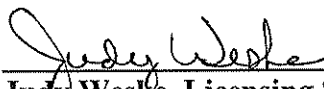
On a motion made by Downing, seconded by Norton and carried unanimously it was

**RESOLVED TO AMEND 12 AAC 14.530(B) TO CHANGE TO 4 HOURS.**

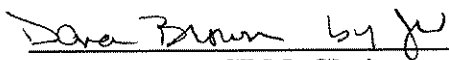
The board having no other business adjourned the meeting at 2:30 p.m.

The meeting dates will be February 28, 2008; September 11 and 12, 2008 (starting at 11:00 a.m. on the first day).

**Respectfully Submitted:**

  
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**Judy Weske, Licensing Supervisor**

**Approved:**

  
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**Dana Brown, CDM, Chairperson**

9-11-08  
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**Date**