



# Board of Certified Direct-Entry Midwives

Alaska Division of Corporations, Business and Professional Licensing

## Meeting Minutes

Wednesday, June 5, 2024 at 10:00 AM AKDT via Zoom

These minutes have been approved by the board in accordance with PL-12/online voting.

Members Present: Bethel Belisle, Chair, CDM; Hannah St. George; Darcy Lucey, CDM  
Staff Present: Sara Chambers, Boards and Regulations Advisor; Reid Bowman, Program Coordinator 2; Sheri Ryan, Occupational Licensign Examiner; Sonia Lipker, Senior Investigator; Christina Bond, Investigator 3; Stefanie Davis, Regulations Specialist

### Call to Order

Chair Belisle called the meeting to order. All members were present, and each stated she had no conflicts to report

**Motion by Ms. Lucey to approve the agenda as presented. Second by Ms. St. George. Approved unanimously.**

### Public Comment

Two members of the public were present. Mary Yanagawa asked if the division had considered expanding staffing to Anchorage to increase the opportunity to fill the position. She aslo asked if there were any updates on filling the vacant board positions. Chair Belisle said she would like the board to take up these questions following public comment. There was no objection.

### Staffing/Board Position Update

Ms. Chambers explained that the division does not marry specific positions to particular boards; all programs are flexibly staffed according to workload, volume, board activity, and other variables. Since this program is far less than full-time, it can be assigned to a staff member who has the ability to cover it as well as other compatible programs. A side benefit is that the programs will share the cost of the licensing/board staff. Ms. Chambers also stated that she is in regular contact with Boards and Commissions; however, there have been no updates from the governor's office specifically about this board; they have many vacancies across the 120+ state boards and are working to fill as many as possible. The last time she spoke with them, they said no physicians had applied for that seat.

### Regulations

Chair Belisle led a discussion about the *delegation and supervision of unlicensed personnel*, which was continued from the previous meeting. She recapped the topic, specifically the board's concerns about legal means of a CDM delegating to another person. Ms. Lucey said there were risks to APRN/CNMs working in a combined practice with CDMs and unlicensed personnel. The standards are different, so there is a lack of consistency among those who may have similar scopes of practice in a birth clinic. Chair Belisle said that apprentices can perform the scope of a midwife under supervision; however an unlicensed person like a birth assistant can't legally take on those responsibilities. "Birth assistant" is not a regulated profession with a

scope defined in state law, nor is there a universally accepted program of training or certification for them. Ms. Lucey's primary concerns are to protect the public, patients, and midwives. Ms. Chambers said that the board could consider adopting practice guidelines or training standards for unlicensed personnel in regulation; if Department of Law felt this overstepped their statutory authority, the board could consider adding it into their legislative proposal.

The board agreed that additional research into the following topics is necessary:

- Specific birth assistant training and certification programs that the board could review and possibly require of unlicensed personnel, similar to the Medical Board and Board of Nursing
- Clarity on how persons across multiple license types could work together in a single employment location
- How the board might require licensees to adopt practice guidelines that include delegation and supervision

This topic will be revisited at a future meeting. Board members agreed to perform additional research and provide to staff ahead of the meeting for addition in the board meeting materials.

Ms. Lucey led the discussion concerning adjustments to their *peer review regulations*, a continuation from the prior meeting. She said she looked at prior peer review requirements in Board of Certified Direct-Entry Midwives regulations and felt the easiest way to adjust may be to add something to current peer review regulations instead of starting anew. The board could consider listing what specific situations require mandatory review. She believed it was important to not make peer review punitive, as it felt to midwives prior to the 2022 revision that changed the peer review structure. She also wondered if standards are added as part of mandatory peer review, then the Report of Death of a Client may not be necessary.

Chair Belisle said she is inclined not to change the regulations at this time. Ms. Lucey suggested the Report may not be necessary since all newborn deaths are reviewed through the Department of Health. Ms. Chambers asked if all midwives know they have to file reports with the Department of Health per AS 08.65.140? If the board removes the report in their own regulations, that would be a good opportunity to remind midwives of the statutory requirements to file with DOH, ensuring nothing falls through the cracks. Chair Belisle said she would discuss educational opportunities with MAA. The board agreed to put this project on a future agenda.

### **Investigations**

Senior Investigator Lipker provided the investigative report for January 10- May 14, 2024. During this time, two cases were closed, and there were no open cases at the time of the meeting.

The board discussed entering executive session to discuss investigative processes that by law were required to remain confidential.

**Motion by Ms. Lucey to enter into executive session in accordance with AS 44.62.310(c)(3). Second by Ms. St. George. Approved unanimously.**

The board entered executive session at 11:10 a.m. and went back on the record at 11:30 a.m.

### **Legislative Discussion**

The board was made aware of the passage of SB 45 Direct Health Agreement, which Ms. Lucey believed was similar to a concierge service plan used in other professions.

The board performed a retrospective of HB 175, with the following observations:

- The Midwives Association of Alaska had held discussions regarding the contents of the bill; however, they had not yet reached consensus. Ms. Lucey suggested that MAA submit their recommendations to the board for their discussion and consideration, including any additional possible statutory change proposals. Ms. Chambers said that could be emailed to [midwives@alaska.gov](mailto:midwives@alaska.gov) for inclusion in future board materials.
- Chair Belisle had heard some concern about changing the makeup of the board; some licensees like the board as it is currently structured, some want only a board of their peers, some like the proposal in HB 175, some legislators mentioned they want a physician on the board.
- Chair Belisle believed the board's current regulations requiring licensees to hold a CPM designation helped provide credibility during the legislative process.
- She had heard some concerns from legislators about midwives providing "preconception care," including the term "treating." Ms. Lucey suggested changing that language to "identifying, referring, and educating." Chair Belisle also thought the statutory change would allow midwives to bill for their time since they are doing this anyway as part of their training.

Chair Belisle encouraged each member to email staff with their proposals and suggestions for future legislation in time for the board to address the topic in September.

The board went off record for a break from 12:00-12:05 p.m.

The chair invited the board to enter into executive session for a brief Legislative Audit update.

**Motion by Ms. Lucey to enter into executive session in accordance with AS 44.62.310(c)(3). Second by Ms. St. George. Approved unanimously.**

The board entered executive session at 12:10 p.m. and went back on the record at 12:20 p.m.

### **Board Administrative Business**

Ms. Chambers reviewed the FY24 third quarter fiscal report, citing revenue of \$11,475 and a deficit of \$16,071 for the year but an overall cumulative surplus of \$74,851. With no open investigations, the board will likely be in a surplus position going into the next renewal cycle. They may want to look toward a fee analysis at the next meeting, if not sooner. She said she would bring this timeline to the division's attention.

With a deadline for final approval of June 20, Ms. Lucey gave an overview of the annual report draft. The board appreciated her thorough draft and made two minor changes to what was presented: Correct "Health and Human Services" to "Department of Commerce, Community,

and Economic Development,” and include a statement that the board had established a quorum for every meeting.

**Motion by Ms. Lucey to approve the draft annual report as amended. Second by Ms. St. George. Approved unanimously.**

Chair Belisle provided an update on the Medicaid Audit that midwives are currently experiencing. She said it feels like it is linked to the Executive Order 130 in some way. Medicaid is looking for non-billable services. They had paid providers for services rendered according to board statutes and regulations, including coverage of newborn care through 28 days. Now, they are saying that they will only reimburse for 7 days. The audits going back as far as 2018 and could cost midwives many thousands of dollars despite having been paid in good faith according to the board’s regulations. She said that MAA was leading the effort to fight the audit; in 2014 the last audit was overcome through MAA’s efforts. Overturning established standards could be devastating for a smaller midwifery practice.

The board set their next regular meeting date as Wednesday, September 4, at 10:00 a.m. They agreed to schedule a short summer meeting to discuss possible fee changes, if necessary.

**Motion by Ms. Lucey to adjourn. Second by Ms. St. George. Approved unanimously.**

Adjourned at 12:43pm